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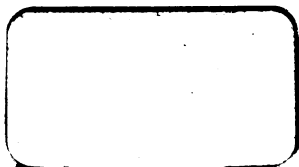
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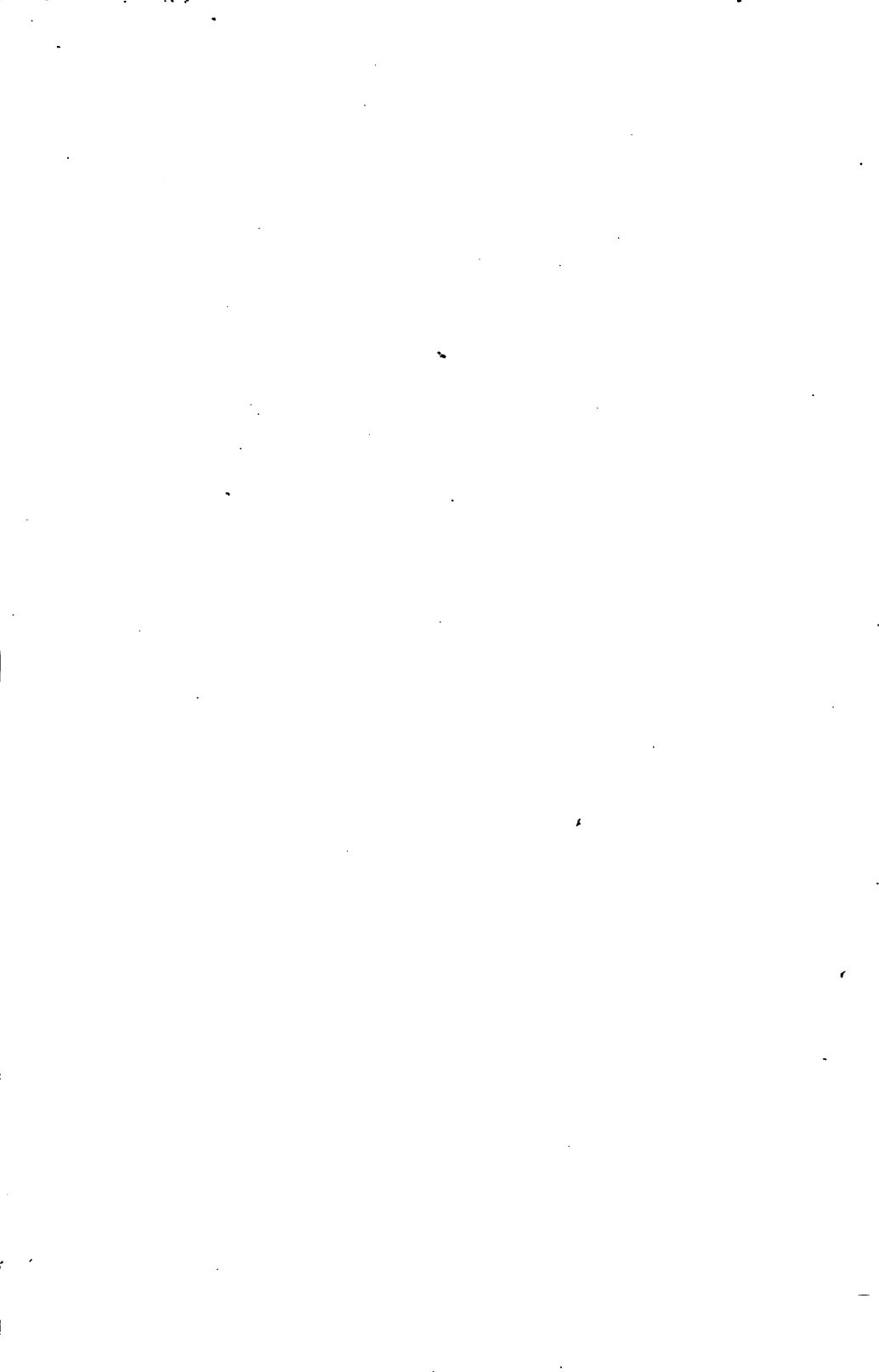


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MODERN PACIFIC SETTLEMENTS

INVOLVING THE APPLICATION OF THE PRINCIPLE OF

INTERNATIONAL ARBITRATION.

BY

W. EVANS DARBY, LL.D.,

Secretary of the Peace Society.

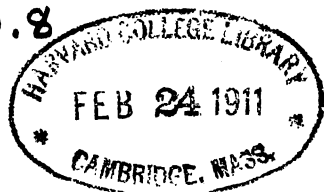


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*Dr. P. Myers,
Cambridge.*

ABBREVIATIONS.

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- R.—Recueil des principaux Traités, etc., by G. F. De Martens.
- N.R.—Nouveau Recueil, by G. F. De Martens and his Continuators.
- N.R.G.—Nouveau Recueil Général, etc., by G. F. De Martens and his Continuators.
- N.R.G., 2me Série.—Nouveau Recueil Général, deuxième Série, by G. F. De Martens and his Continuators.
- R.M.P.—Recueil manuel et pratique de Traités, Conventions et autres Actes Diplomatiques, par Ch. De Martens et F. de Cursy.
- P.I.—Pasricisie Internationale : Histoire Documentaire des Arbitrages Internationaux, par H. La Fontaine.
- S.P.—Senate Paper, 54th Congress, 2nd Session, Document No. 116.
- H. of P.—*Herald of Peace*, Organ of the Peace Society.
- Moore.—History and Digest of the International Arbitrations to which the United States has been a Party, by John Bassett Moore, Washington, 1898.
- Hertslet's Treaties.—A Complete Collection of the Treaties and Conventions, etc., by Edward Hertslet, London.
- Hertslet, Map of Europe, etc.—The Map of Europe by Treaty, by Edward Hertslet, C.B., London, 1875, 4 vols.
- Hertslet, Map of Africa, etc.—The Map of Africa by Treaty, by Sir Edward Hertslet, K.C.B., Second and Revised Edition, London, 1896, 3 vols.
- Holland.—The European Concert in the Eastern Question, etc., by Thomas Erskine Holland, D.C.L., Oxford, 1885.

MODERN PACIFIC SETTLEMENTS

INVOLVING THE APPLICATION OF THE PRINCIPLE OF

INTERNATIONAL ARBITRATION.

The modern era of Arbitration may be conveniently considered as commencing with the Jay Treaty of 1794.

Disputes can be amicably settled either by Direct Agreement between the parties, by Agreement under the Mediation of another Power, or by reference to Arbitration.

"The difference between a Mediator and an Arbitrator consists in this: that the Arbitrator pronounces a real judgment, which is obligatory, and that the Mediator can only give his counsel and advice."

EIGHTEENTH CENTURY.

Art. 2 of the Treaty of Recognition, signed at Paris September 3rd, 1783, between **GREAT BRITAIN** and the newly-formed **UNITED STATES OF AMERICA**, began with the words:—"And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are, and shall be, their boundaries, viz.:"

Out of this Article sprang three Cases of Arbitration:—

1. **GREAT BRITAIN** and **UNITED STATES OF AMERICA**, in 1794. *St. Croix River Boundary*. The object of this reference was to determine the River St. Croix, mentioned in the above Article of the Treaty of Peace, September 3rd, 1783, as forming the boundary line between Canada and the United States. This was referred, by Art. 5 of the *Jay Treaty*, signed at London, November 19th, 1794, to a COMMISSION of three, who were to meet first at Halifax, N.S., "and then as they should arrange." The Commissioners were Mr. Thomas Barclay, of Nova Scotia, chosen by Great Britain, and Mr. David Howell, of Rhode Island, by the United States. After some delay and difficulty these agreed upon Judge Egbert Benson of the City of New York, as third Commissioner. Their first official meeting was held at Halifax on August 22nd, 1796. Their Award was given on October 25th, 1798, at Providence, Rhode Island, in favour of the United States, which had contended that the Schoodiac River was intended under the name of the St. Croix. It was signed by each of the Commissioners.

References: Moore, I. 1-48, V. 4720-4726; P.I., pp. 1, 2; Revue de Droit Int., 1874, VI. 117, 118; Calvo, II. 549; Schoell, I. 458, 459, II. 49; Chalmers, II. 528-588; De Garden, IV. 332-384; R.M.P., I. 312; R., II. 497, III. 555; N.R., III. 519, V. 640; Hertslet, Complete Collection, etc., IX. 761; *Id.*, North American Boundary, etc., 1888, Appendix p. 2; Treaties and Conventions between the United States and Other Powers 1776-1887, p. 382; Jenkinson, Recueil des Traités, III. 410, etc.; S.F., p. 1; Dreyfus, p. 155, 156; Mérygnac, p. 47; Carnazza-Amari, II. 566.

2. **GREAT BRITAIN** and **UNITED STATES**, in 1794. *Recovery of Debts*. Impediments to the Recovery of certain sums due to British subjects were caused by various State Acts passed during the late war which continued to bar recovery after its conclusion. By Art. 6 of the *Jay Treaty*, November 19th,

1794, the question of the Compensation of Creditors was referred to five COMMISSIONERS, two appointed by each Government and a fifth "by the unanimous voice of the other four." The Commissioners so appointed were Thomas Macdonald and Henry Pye Rich, for Great Britain, and Thomas Fitzsimmons, of Pennsylvania, and James Innes, of Virginia, for the United States. On the death of the last named, Samuel Sitgreaves, of Pennsylvania, was appointed to succeed him. The first meeting of the Commissioners was held in Philadelphia on May 18th, 1797, when Mr. John Guillemand, of London, was chosen the fifth Commissioner. The Commissioners proceeded to the examination of Claims. For a time the proceedings were harmonious, but, on February 5th, 1799, a rupture occurred between them, the American Commissioners withdrew, and on July 20th their final meeting and rupture took place. Further negotiations between the two Governments followed, and, by a Convention, signed January 8th, 1802, Art. 6 of the Jay Treaty was annulled, and the sum of £600,000 was accepted by Great Britain in settlement, which sum was duly appropriated and paid by the United States Government.

References: Moore, I. 271-298, V. 4720-4728; P.L., pp. 3, 4; Schoell, II. 49, 50; Hertalet, Complete Collection, etc., IX. 761; R., suppl., III. 202; Treaties and Conventions, etc., 1776-1787, pp. 382, 398; Am. State Papers, For. Rel., I. 51, 190-238, 472-503, II. 62, 67, 383-427; J. Adams's Works, III. 300, 301; Revue de Droit Int., 1874, VI. 118; Calvo, II. 549; S.P., p. 1; etc.

3. GREAT BRITAIN and UNITED STATES, in 1794. *Maritime Seizures and the Rights and Duties of Neutrals.* Various mutual claims, arising from losses and damages sustained "by reason of irregular or illegal captures or condemnations of their vessels and other property," during the war, were by Art. 7 of the *Jay Treaty*, November 19th, 1794, referred to five COMMISSIONERS, exactly as in the previous Article. The Commissioners were John Nicholl, LL.D. (afterwards Maurice Swaby, LL.D.) and John Anstey, for Great Britain, and Christopher Gore and William Pinkney, for America; Colonel Trumbull was chosen, finally, by lot, as the fifth. The Commissioners held their first meeting on August 16th, 1796, then they took an office in Gray's Inn, London, and issued notices of business; they continued to meet until July 20th, 1799, but difficulties having arisen in regard to the interpretation of Art. 6 of the Jay Treaty, their work was for a time interrupted. By the Convention of January 8th, 1802, the Powers of the Commissioners were confirmed, they resumed their work on January 15th, and continued until February 24th, 1804, when the proceedings of the Board were brought to a close, all the business before it having been completed. By this time *Awards* had been given to the amount of 11,650,000 dollars (i.e. £2,330,000) in favour of America, and 143,420.14 dollars (i.e. £28,685. 13s. 1d.) in favour of Great Britain, the claims presented numbering 478 and 58 respectively.

References: Moore, I. 299-349, V. 4720-4728; P.L., pp. 4-6; Schoell, II. 50 Treaties and Conventions, 1776-1887, pp. 384, 398; R., suppl., III. 202; Am. State Papers, For. Rel., I. 140-174, 184, 185, 239-244, 315, 401, 430-450, 472-488; MSS. Dept. of State; Stats. at L.; Calvo, II. 549; S.P., p. 1; Revue de Droit Int., 1874, VI. 118, etc.

4. SPAIN and UNITED STATES, in 1795. *Maritime Captures.* Claims were made against Spain for depredations committed upon American ships during the war between Spain and France. These Claims were, by Article 21 of the *Treaty of Friendship, Limits and Navigation*, signed at *San Lorenzo el Real*, on October 27th, 1795, referred to a COMMISSION of three members, one to be appointed by each Government and the third by these conjointly. The Commissioners were Joseph Ygnat Piazar for Spain, Matthew Clarkson for America, and Samuel Breck, chosen by them, as third Commissioner. The Commission met in Philadelphia in the summer of 1797; their sittings were then interrupted, but were afterwards resumed, and continued until December 31st, 1799, the date of the last of their *Awards*. These were 40 in number and reached a total of 325,440.075 dollars.

References: Moore, II. 991-1005, V. 4796-4798; P.L., pp. 79, 736; Am. State Papers, For. Rel., I. 45, 48, 141, 142, 277, 423-469, 533-546, II. 283, IV. 530; Annual Register XXXVIII. (1795) 297; Adams's Hist. of U.S., I. 348, 349; Treaties and Conventions, 1776-1887, pp. 1013, 1014; MS. Dom. Let., X. 38, 77, 257, etc.

5. **AUSTRIA, PRUSSIA, and RUSSIA, in 1797.** *Polish Debts.* By Art. 2 of the *Convention of St. Petersburg*, signed *January 26th, 1797*, between these Powers, on their partition of Poland, a JOINT COMMISSION was instituted for the purpose of dealing with the Debts of Poland, which the three Sovereigns had taken upon themselves. The Organisation of this Commission was regulated by Art. 5 of the Treaty.

References: R., VI. 707, 715; Schoell, IV. 313.

6. **AUSTRIA, PRUSSIA, and RUSSIA, in 1797.** *Liquidations.* By Arts. 9 and 10 of the same Treaty (*January 26th, 1797*), the SPECIAL COMMISSION which had been established by the Diet of Grodno, (which met on June 17th, 1793,) in order to wind up the estates of houses in bankruptcy, in Poland, was re-established.

References: Schoell, IV. 304, 313.

NINETEENTH CENTURY.

I.—FORMAL ARBITRATIONS.

Cases formally referred for Arbitral Judgment are included in this list:—

1. **SPAIN and UNITED STATES OF AMERICA, in 1802.** *Mutual claims*; arising out of excesses committed during the war, prior to 1802, by subjects of both nations. These were, by a *Convention* dated *August 11th, 1802*, referred to a MIXED ARBITRATION COMMISSION, composed of five Members, appointed two by each Government and the fifth by common consent, or by lot. Owing to various complications, this Convention, though ratified by the United States in 1804, was not ratified by Spain until July 9th, 1818. The Ratifications were exchanged on December 21st, and proclaimed at Washington December 22nd, 1818. Meanwhile fresh claims had arisen of a similar kind. This Treaty was, therefore, annulled by Art. 10 of the Treaty of Florida, which was concluded immediately after, on February 22nd, 1819—by Art. 9 of which the parties renounced their respective claims, and Florida was ceded to the United States. By the above Art. 10 of the Florida Treaty, the United States, exonerating Spain from all demands for the American claims that had been renounced, undertook to make satisfaction for the same, which arrangement was carried out by a Domestic (National) Commission duly organised June 9th, 1821.

References: N.R., V. 328, and suppl. p. 400 (402); N.R.G., III. 410 (414); Jon. Elliot, *Diplomatic Code of U.S.*, Washington, 1827, p. 363; Adams's *History of U.S.*, II. 3; Am. State Paper For. Rel., II. 28, 440-667 (passim), III. 156, 293, IV. 422, 580, VI. 185; *Revue de Droit Int.*, 1874, VI. 119; Moore, V. 4487-4496, 4798-4801; P.I., pp. 6, 7.

2. **FRANCE and RUSSIA, in 1814.** *Mutual pecuniary claims*; relating to the Duchy of Warsaw, which was at the time under the administration of a Provisional Council, established by Russia. By an Additional Article of the *Treaty of Peace*, signed at *Paris* (First Peace of Paris) *May 30th, 1814*, A SPECIAL COMMISSION was appointed, composed on both sides of an equal number of Commissioners, which should be charged with the examination, liquidation, and all other arrangements relative to their reciprocal pretensions. By a separate Article of the *Treaty of Paris*, (Second Peace of Paris,) November 20th, 1815, in execution of the first Agreement, France undertook to send one or more Commissioners to take part in this Arbitration. This Article, however, was unexecuted, and was replaced by a Special Convention concluded at Paris, September 27th, 1816, which provided that the Commission should meet at Warsaw as soon as possible, and begin its labours immediately. The results of this liquidation are, says Schoell, "entirely unknown to the public."

References: Schoell, III. 367, 533; R.M.P., III. 20; De Clercq, III. 44; Hertalet, *Map of Europe*, etc., I. 26, 397; Brit. and For. State Papers, III. 341; P.I., pp. 112, 113.

3. GREAT BRITAIN and UNITED STATES, in 1814. *Question of Territory.* This Arbitration related to the ownership of certain Islands in Passamaquoddy Bay, and Grand Menan, in the Bay of Fundy, and followed from Art. 26 of the Jay Treaty, signed at Paris September 3rd, 1783. By Art. 4 of the *Treaty of Ghent*, signed on December 24th, 1814, it was referred to a JOINT COMMISSION of two Members, appointed respectively by each Government, their agreement to constitute a decisive Decision; but in the case of disagreement they were to make reports to their Governments, which should be referred to some friendly Sovereign or State, for final adjudication. The Commissioners appointed were Messrs. Thomas Barclay, by Great Britain, and John Holmes, by the United States. They held their first meeting at St. Andrews, New Brunswick, September 23rd, 1816, and at their last in New York, November 24th, 1817, tendered a final Award, which divided the ownership, with preponderance against the United States.

References: R., V. 397, X. 75, etc.; N.R., II. p. 76; N.R., suppl., IX. 397-400; R.M.P., III. 38 (40); R. XIII. (VI. of supp., or II. N.R.); Am. State Papers For. Rel., I. 93-96, II. 584-586, III. 695-748, IV. 171, 808-811; Rives's Corr. of Thomas Barclay, pp. 357, 370-399 (passim); Willis's Hist. of the Law, etc., of Maine, 275; MSS., Dept. of State, U.S.; Jon. Elliot, Diplomatic Code of U.S., Washington, 1827, p. 291; Moore, I. 45-64, V. 4728-4738; P.L., pp. 7, 8; S.P., p. 1; Brit. and For. State Papers, IV. 805, V. 198; Revue de Droit Int., 1874, VI. 121 note; Mérimé, p. 47; Schoell, Pièces Officielles, IX. 534.

4. GREAT BRITAIN and UNITED STATES, in 1814. *North-Eastern Boundary Question.* This also resulted from the *Recognition Treaty* of September 3rd, 1783, which defined the frontiers of the United States.

(a.) By Art. 5 of the *Treaty of Ghent*, December 24th, 1814, a similar Arbitration Commission, consisting of Mr. Thomas Barclay and Mr. C. P. Van Ness, was appointed to determine the North-Eastern Boundary of the United States from the source of the River St. Croix to the River St. Lawrence. This Commission held its first meeting September 23rd, 1816, at St. Andrews, New Brunswick. Next day it was adjourned till June 4th, 1817, when the Members met again in Boston. Their last meeting was held at New York, April 13th, 1822, when, failing to agree, the Commissioners made *separate reports* to their respective Governments, as provided in the terms of the Reference.

(b.) The failure of the Commissioners to render a decision, imposed upon the two Governments the duty of referring the "Reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose," according to Art. 4 of the *Treaty of Reference* (December 24th, 1814). The question was accordingly again referred to Arbitration, by *Treaty of September 29th, 1827*. The King of the Netherlands was appointed ARBITRATOR, on January 12th, 1829. His Award, which was given January 10th, 1831, was recommendatory, not decisive. It was at once accepted by Great Britain, but not by the United States, as being beyond competency, and, after much controversy, the matter was ultimately settled by a compromise, in the *Treaty of October 9th, 1842*, which is known as the Webster-Ashburton Treaty.

References: N.R., VII. 491, X. 806; R.M.P., III. 58 (41), V. 200, X. 806; Hertalet, Complete Collection, etc., XVIII. 1249; Am. State Papers For. Rel., II. 584-587, III. 162-165, 695-748, IV. 647-649, 808-811, V. 50, VI. 138, 626-1015; Calvo, II. 575; Brit. and For. State Papers, XV. 469-494, 507, 565, XXII. 772-1187, XXIII. 404-426, XXIV. 1179, XXV. 903-943, XXVII. 821-935; Adams's Writings of Gallatin I. 646, II. 808-549; Rives's Corr. of Thomas Barclay, 368-402; Moore, I. 65-161, V. 4728-4738, 4740-4742; P.L., pp. 8-15; S.P., pp. 1, 2; Dreyfus, 159, 160; Revon, p. 301; Jon. Elliot, Diplomatic Code, p. 315; Karamowsky, pp. 202, 203; Revue de Droit Int., 1874, VI. 121 note; Mérimé, p. 47, 48; Sir Travers Twiss, Le Droit des Gens en Temps de Guerre, p. 8; Pandectes Françaises, No. 50.

5. GREAT BRITAIN and UNITED STATES, in 1814. *Northern Boundary of the United States.*

(a.) *River and Lake Boundary:*—This Arbitration was to determine the Boundary along the Middle of the Great Lakes, etc., to the water communication between Lakes Huron and Superior. By Art. 6 of the *Treaty of Ghent*, signed December 24th, 1814, this was referred to a JOINT COMMISSION similar to those under Arts.

4 and 5. Mr. John Ogilvy was appointed by Great Britain, and Mr. Peter B. Porter by the United States. The Commissioners held their first Meeting at Albany, on November 18th, 1816. On September 28th, 1819, Mr. Ogilvy died, and was succeeded by Mr. Anthony Barclay, a son of Mr. Thomas Barclay, Commissioner under Arts. 4 and 5. On June 18th, 1822, their *Award* was given at Utica, New York, fixing the Boundary with slight advantage to the United States, and their last Meeting under Art. 6 was held on June 22nd.

(b.) "*Lake and Land Line*": By Art. 7 of the *Treaty of Ghent*, the further determination of the line of boundary to the Lake of the Woods was also referred to the COMMISSION under Art. 6. By the Treaty, by the Commissions and appointments under it, and by the legislation to carry it into effect, the proceedings under Arts. 6 and 7 were treated as one connected transaction. Accordingly the Commissioners began the work of the second reference immediately after issuing their Award in the first. Several Meetings were held, and various points were discussed and settled; but difficulties arose, the Commissioners were unable to agree, and on December 24th, 1827, they adjourned *sine die*, after exchanging their Reports. Fresh negotiations resulted in the Webster-Ashburton Treaty of August 9th, 1842, in the 6 and 7 Arts. of which were comprised the provisions relating to the boundary in question.

(a.) References: R.M.P., III. 38 (42), 546, V. 200 (202); N.R., IV., 571 (573); VI. 45; Am. State Papers For. Rel. III. 696-748, and IV. 808-811; MS. Journal of the Comm., in Dept. of State; Rives's Corr. of Thomas Barclay, 357, 385; Senate Papers, No. 116 (1897); Moore, I. 70, 162-170, V. 4728-4733; P.L., pp. 15-17.

(b.) References: As above, and also: Brit. and For. State Papers. LVII. 803, 810, 811, 822, 823; H. Ex. Doc., 451, 25 Cong. 2 Sess.; Webster's Works, VI. 281, 284; Webster's Priv. Corre., II. 140; Moore, I. 171-195; S. P., p. 1; Revue de Droit Int., 1874, VI. p. 121 note.

6. **ALLIED POWERS and FRANCE, in 1814.** *Pecuniary Claims.* By Art. 20 of the *Treaty of May 30th*, 1814, a JOINT COMMISSION was appointed for "the examination of the Claims of foreigners against the French Authorities, the liquidation of the Sums claimed, and the consideration of the manner in which the French Government may propose to pay them." The Commissioners were appointed, the British Members of the Commission being the Hon. Charles Bagot, Mr. Colin A. Mackenzie, and Mr. A. E. Impey. But the terms of the reference were found to be so vague, that at the commencement of the month of March, 1815, they separated without having satisfied a single claim. "There was a general cry of discontent," says Schoell, "in all countries interested in these important proceedings."

References: Schoell, III. 361, 362; Hertsllet, Map of Europe, etc., I. 13, 14; De Clercq, II. 665; Brit. and For. State Papers, I. 151, 1283, 1234.

7. **PRUSSIA, etc., and SAXONY, in 1815.** *Territorial Arrangements.* These included the settlement of Debts, Taxes, etc.; the separation of Archives, Titles, Maps, Plans, etc., of Ceded Territories—Renunciation of Feudal Rights—the Funded Debts, Saxon Paper Money ("Cassenbilletts") Finances of the Circle of Cottbus, Navigation of Rivers, Supplies of Salt to Saxony, etc. By a *Treaty* between Saxony and each of the Allied Powers, Prussia, Austria, and Russia, signed at Vienna, May 18th, 1815, to which Great Britain acceded on September 18th, in the same year, a MIXED COMMISSION was provided for, consisting of Members nominated by each of the two Powers, and one (Art. 15) by the Emperor of Austria, as Mediator, "to determine, in an exact and detailed manner the points which form the subject of this Act from Arts. 6 to 13, and from 16 to 20." The Prussian Commissioners were MM. De Gaudi, Friese, and Sietze; those of Saxony, MM. De Globig, Günther, and De Walzdorf, while the Baron F. C. De Gaertner represented the Emperor of Austria. They assembled immediately at Dresden, as fixed by the Treaty, but did not finish their labours before July 23rd, 1817, when they concluded a *Convention* consisting of 40 Articles.

References: Voss, Zeiten, LII. 849; Hertsllet, Map of Europe, etc., I. 134-144, 145, 146; Schoell, III. 394-397; Brit. and For. State Papers, II. 84.

8. **ALLIED POWERS and the NETHERLANDS, in 1815.** *Personal Claims.* A dispute had arisen respecting the inheritance of the Duchy of Bouillon,

the ancient patrimony of Godfrey, first King of Jerusalem, between Philippe D'Auvergne, a Vice-Admiral in the British Navy, and Prince de Rohan, the reigning Duke of Bouillon. By Art. 4 of the Treaty between Great Britain, Austria, Prussia, and Russia and the Netherlands, signed at Vienna, May 31st, 1815, embodied in the Vienna Congress Treaty, *i.e.*, *Final Act of the Congress of Vienna* (Art. 69), June 9th, 1815, it was referred to an ARBITRATION TRIBUNAL of five Members, one chosen by each of the Competitors, and one each by the Governments of Austria, Prussia, and Sardinia. The Arbitrators were to meet at Aix-la-Chapelle, but they met at Leipzig, at the beginning of June, 1816, and gave their *Award* July 1st, 1816, in favour of Prince de Rohan. This was the second instance of Arbitration in regard to the inheritance of the Duchy—the former having occurred in the Seventeenth Century, when it was referred to Arbitrators by Art. 28 of the Treaty of Nimeguen, February 23rd, 1678.

References : Schoell, III. 489, 490; *Congrès de Vienne, Recueil de Pièces Officielles*, IV. 18; *Protokolle der deutschen Bundes-Versamml.*, I. 168; Dreyfus, pp. 157, 158; De Clercq, II. 557, and III. 41; N.R., II. 413, 490; Hertslet, *Map of Europe*, etc., I. 179-181, 252; Brit. and For. State Papers, II. 137; Moore, V. 4855, 4856; P.L., pp. 111, 112.

9. **NASSAU and PRUSSIA, in 1815.** *Cession of Territory.* The object of this Arbitration was to determine what parts of Siegen, &c., should be ceded by Prussia to Nassau. By Art. 3 of the *Convention between Prussia and the Duke and Prince of Nassau*, signed at Vienna, May 31st, 1815 (forming Annex 8 to the Vienna Congress Treaty of June 9th, 1815), this was referred to COMMISSIONERS to be appointed by the two High Contracting Parties, within four weeks from the ratification of the Treaty. The Commissioners were to conform to certain expressed principles, and, in the event of their not agreeing upon one or other of the points, they were authorised to refer to an ARBITRATOR of their own appointment, whose decision should be final.

References : Hertslet, *Map of Europe*, etc., I. 185; Brit. and For. State Papers, II. p. 102; Schoell, III. 416; *Recueil de Pièces Officielles*, VIII. 242.

10. **FRANCE and GREAT BRITAIN, in 1815.** *Private Pecuniary Claims.* These were various claims on behalf of British Subjects arising out of confiscation made by the French authorities during the War, in contravention of Art. 2 of the Treaty of Commerce of 1786, especially since January 1st, 1793. In conformity with Art. 9 of the Definitive Treaty of Peace signed at Paris, November 20th, 1815, a separate *Convention* was signed between the two Powers, on the same date, providing for the settlement by COMMISSIONS, each composed of two French and two English Commissioners, nominated and appointed by their respective Governments; *e.g.*, a Commission of Liquidation, for the examination of Claims, a Commission of Arbitration, to decide cases on which the former Commission should fail to agree, and a Commission of Deposit. For Great Britain the Commissioners of Liquidation were Mr. Colin Alexander Mackenzie and Mr. George Lewis Newnham; the Commissioners of Arbitration, Mr. George Hammond and Mr. David Richard Morier; and the Commissioners of Deposit, Mr. David Richard Morier and Mr. James Drummond; their appointments were dated December 27th, 1815. The Commissions began their labours immediately after the exchange of the ratifications, which took place in February, 1816; but their sittings proved abortive, and ultimately the two Governments, by a Convention signed at Paris, April 25th, 1818, agreed to put an end to the dispute by the payment, on the part of France, of a round sum of 130,450,000 francs, which became part of the Public Debt of France. Claims on behalf of English Merchandise imported in Bordeaux were settled by a Convention, signed July 4th, 1818, and the payment of 450,000 francs.

References : Hertslet, *Complete Collection*, etc., I. 276, 286-294, 296, 328-336; Schoell, III. 584-536, 563-570; P.L., pp. 101-104; Hertslet, *Map of Europe*, etc., I. 398-410, 550-555; State Papers, III. 342, V. 192; Moore, V. 4862, n.

11. **ALLIED POWERS and FRANCE, in 1815.** *Pecuniary Claims.* In conformity with Art. 9 of the *Treaty of Paris*, November 20th, 1815, a second separate *Convention* was signed between France and the Great Powers (Austria,

Great Britain, Prussia, and Russia) on the same date, for a similar procedure to be applied to the liquidation of debts of every kind due by France in foreign countries. The Commissioners appointed by Great Britain were the same as in the former case. The ARBITRATION COMMISSION, in both instances, was a regularly constituted Court with President and other officers. The Commissioners in this instance, also, began their labours immediately after the exchange of ratifications in February, 1816, and with like result. This reference, too, proved barren of result, and by another Convention, signed on April 25th, 1818, the sum total of these debts was fixed at 240,800,000 francs, which was made part of the Public Debt of France, and its payment provided for accordingly. Claims of the Bank of Hamburg included in the above were settled by a Convention signed at Paris, October 27th, 1816.

References: Schoell, III. 536-546, 563-569; Hertslet, Complete Collection, etc., I. 298, 304-310, 320-322, 324-326, 336-352, III. 103; State Papers, III. 315, 341, 559, V. 179; Hertslet, Map of Europe, etc., 348, 378-397, 541-549; P.L., pp. 104-110; Moore, V. 4862; Dreyfus, p. 156; De Clercq, II. 665.

12. **FRANCE** and the **NETHERLANDS**, in 1815. *Arrears of Interest.* This Arbitration arose out of the claim of the Netherlands against France "relative to the payment of the Interest of the Debt of Holland, which may not have been paid for the half years of March and September, 1813." By Art. 8 of the *Convention* between France and the Powers, signed at *Paris* on *November 20th*, 1815, and annexed to the *Definitive Treaty of Peace* of the same date "the decision of the principle of the question" was referred to a COMMISSION OF ARBITRATION, to be composed of seven Members, two of them to be named by France, two by the Netherlands, and the three others to be chosen from "States decidedly neuter," and having "no interest in the question"; one to be chosen by France, another by the Netherlands, and the third by the two neutral Commissioners. The Commission was to meet at Paris on February 1st, 1816. Its members were the Prince of Castelcicalà, General de Waltersdorff, Baron Pasquier, the Chevalier de Bye, Baron Brierre de Surgy, and General de Fagel, with the Marquis of Marialva as Umpire. At a final sitting of the Commission on October 16th, 1816, an *Award* was given in favour of France, and the Commission was dissolved.

References: Schoell, III. 542, 543; Hertslet, Map of Europe, etc., I. 387, 388; State Papers, III. 315; Hertslet, Complete Collection, etc., I. 312; De Clercq, II. 662, III. 45; Dreyfus, pp. 156, 157; Moore, V. 4866-4869; P.L., pp. 105, 111.

13. **GREAT BRITAIN** and **UNITED STATES**, in 1818. *Obligation as to Slaves.* The object of this Arbitration was to ascertain the true intent and meaning of Art. 1 of the Treaty of Ghent, of December 24th, 1814, and whether, according to the terms of this Article, the United States were entitled to the restitution of, or full compensation for, slaves who were in territory, in the possession of the British at the time of the ratification of that Treaty, which was to be restored to the United States. The question of the true construction of that Article was referred to the ARBITRATION of the Emperor of Russia, by a *Convention* concluded *October 20th*, 1818, at *London*. His *Award* was given April 22nd, 1822, in favour of America, and was at once accepted.

References: R.M.P., III. 393 (395); Jon. Elliot, Diplomatic Code, 262; Niles's Register, VI. 242; Am. State Papers For. Rel., III. 735, 742, IV. 106, 120-126, 379-385, 407, 645, V. 214, 220; Dreyfus, pp. 158, 159; Revue de Droit Int., 1874, VI. 120, 121; N.R. Suppl., X. 67; Wheaton, Int. Law, p. 495, n.; Moore, I. 350-363, V. 4733, 4734; P.L., pp. 17, 619, 620.

14. **GREAT BRITAIN** and **UNITED STATES**, in 1822. *Amount of Indemnity.* The Award of the Emperor of Russia in the last instance (No. 13) was confined to the single point referred to him, viz., the Interpretation of Art. 1 of the Treaty of Ghent, while the amount to be paid by Great Britain under that Award was still unsettled. That question, however, was, by a *Convention* concluded under the Emperor's mediation, *July 12th*, 1822, referred to a MIXED COMMISSION, consisting of one "Commissioner" and one "Arbitrator," chosen by each party, who should "meet and hold their sittings as a Board in the City of

Washington." The Commissioner, on the part of the United States, was Langdon Cheves, the Arbitrator, Henry Seawell, and, on the part of Great Britain, George Jackson and John McTavish, who met on August 25th, 1823, and succeeded by September 11th, 1824, in reaching an agreement by which "the functions of the Board, under Art. 2 of the Convention, were completely discharged." The Commissioners then constituted themselves a Board for the examination of claims under Art. 3 of the Convention. Here they were less successful; disagreements followed; and they continued their discussions without reaching a conclusion till December 13th, 1826, when they learnt that their functions had been terminated by the Convention of London, concluded November 13th, 1826, under which Great Britain agreed to pay 1,204,960 dollars in full settlement of all the claims. They held their last session March 26th, 1827.

References: R.M.P., III. 550, IV. 45; Am. State Papers For. Rel., V. 214, 800, VI. 339-352, 746-751, 821, 855, 858, 882-892, 950, 962; 3 Stats. at L., 763; 4 Stats. at L., 16, 91, 146, 214, 219, 269; MSS. Dep. of State; Dreyfus, p. 159; Revon, pp. 299, 300; Jon. Elliot, Diplomatic Code, I. 280, etc.; Kamarowsky, Historic Survey of Int. Arb., p. 190; Revue de Droit Int., 1874, VI. 121; Moore, I. 363-382, V. 4734-4739; P.L., pp. 17-20.

15. **GREAT BRITAIN and SPAIN, in 1823.** *Mutual Claims.* These claims arose from seizures of ships and injuries to property during the Napoleonic Wars, dating from July 4th, 1808. For the amicable adjustment of these, on March 12th, 1823, a *Convention* was concluded at Madrid which provided for a MIXED COMMISSION, consisting of four members, two from each nation, to sit in London "for the purpose of taking into consideration and deciding in a summary manner, according to equity, upon all cases that shall be brought before it," etc. (Art. 1). Any difference on which they were equally divided was to be referred to the Spanish Envoy in London and a law officer of the Crown, and if they could not agree, to an Umpire determined by lot. "Great and almost insuperable difficulties presented themselves in respect to carrying this Convention into effect." These arose in the course of the discussions before the Commissioners, so that, although they had already awarded definite sums to the claimants, a new *Convention* was signed on October 28th, 1828, by which Spain agreed to make good the sum of £900,000 in specie, in full settlement of the English claims registered by the Mixed Commission, and Great Britain agreed to make good the sum of £200,000 for the Spanish claims, similarly registered. The payments by Spain were to be made in redeemable inscriptions.

References: Hertsllet, Complete Collection, etc., III., 381, IV. 416; Brit. and For. State Papers, IX. 897, XI. 44, XV. 900; Moore V. 4584; P.L., 88-91.

16. **BRAZIL and GREAT BRITAIN, in 1829.** *Maritime Captures.* This was a question of the indemnity to be paid by Brazil for the capture of British ships in 1826-1827. By a *Convention*, signed at Rio de Janeiro, May 5th, 1829, it was referred to a MIXED COMMISSION of four members, to be named by the respective Governments, or Ministers, with the stipulation that "if the majority do not agree, it shall be further referred to the Brazilian Secretary of State and the British Minister at Rio de Janeiro." They were to give precedence to the claims for vessels and cargoes condemned by the Decree of May 21st, 1828, which had disposed of twenty-five ships. The result of their deliberations has not been published, so far as we have been able to ascertain.

References: State Papers, XVIII. 689; Hertsllet, Complete Collection, etc., IV. 60; P.L., pp. 91, 92.

17. **BUENOS AYRES (now Argentine Republic) and GREAT BRITAIN, in 1830.** *Acts of War.* This was a claim for indemnification for illegal acts and violences committed by Privateers on British ships, and on the property of an English citizen, in the late war with Brazil. By *Treaty* signed at Buenos Ayres, July 19th, 1830, it was referred to a MIXED COMMISSION (consisting of Michael Bruce and Manuel Moreno), which met in London, and, after issuing due notices, November 17th, 1831, liquidated the claims, amounting to £21,030. 15s. 5d.

References: State Papers, XVIII. 685; Hertsllet, Complete Collection, etc., IV. 69-72; P.L., 92, 93.

18. **BELGIUM and HOLLAND, in 1830.** *Dissolution of Union.* This case "alternately assumed the character of a mediation, of a forcible Arbitration, or of an armed interference, according to the varying events of the struggle, and the fluctuating views of the Powers who were interested in terminating it." The arbitrary union of Belgium and Holland effected by the Treaty of London, of June 28th, 1814, and the provisions of the Congress of Vienna Treaty, of June 7th, 1815, had never answered, and Belgium was bent on its being dissolved. "Jurisdiction over the controversy of the two States was assumed," after the Belgic revolution of 1830, by the CONFERENCE OF LONDON, which was held, in the first instance, in consequence of the application of the King of the Netherlands to the British Government, requesting that the five Great European Powers would appoint plenipotentiaries to assemble in Congress, "for the purpose of effecting a conciliatory mediation between the two great divisions of the Kingdom." The plenipotentiaries of the five Courts accordingly assembled in Conference in London on *November 4th*, 1830. It was strenuously maintained that "The Congress of London is a *mediation*." It was, however, never strictly confined to that character, but assumed, and exercised, arbitral functions. "The Treaty of the intervening Powers," which constituted the Kingdom of Belgium an independent State, was concluded by it, and signed at London on November 15th, 1831. This Treaty was not finally recognised by the King of Holland till March 14th, 1838, when he assented unconditionally to the basis of separation, "thus withdrawing his protest made previously against the authority of the Conference to determine the separation of Belgium from the Kingdom of the Netherlands." "During the struggle the disputes between Holland and Belgium, sometimes suspended for a term, were renewed with great vehemence, from the King of Holland having cut some wood in the territory of Luxembourg—the possession of which was now the main cause of dispute. In 1832 Belgium agreed to the terms proposed by ARBITRATORS, but Holland stood out. Now, in 1838, Holland was willing to agree, but Belgium refused. . . ." Here we have at least one distinct case of Arbitration.

References: Martineau, *History of the Peace*, pp. 427, 547; Wheaton, *History of the Law of Nations*, pp. 588-555: N.B., I. 76, 85, 124, 142, 144, 164-170, 181, 182, 195, 226; Nothomb, *Histoire de la Revolution Belge*, p. 72; Martens, *Continué par Murkhart*, I. 197-202, 229-235, 243, II. 410; Hertslet, *Map of Europe*, etc., II. 858-871, 909-912, 994-998; State Papers, XVIII. 646, XIX. 258, XXVII. 1000, 1820.

19. **PERSIA, in 1835.** *Question of Inheritance.* This was a question of succession to the throne, and so belongs to the internal affairs of Persia. It was referred to the Emperor Nicholas, of Russia, as ARBITRATOR, and "though the decision was in this case made prematurely by death, the intended heir, 'Abbas,' having died before his father," Fath Ali Shah, the incident formed the introduction of Russia into Persian politics.

References: Martineau, *History of the Peace*, London, 1858, p. 545; Enc. Brit., XVIII. p. 649.

20. **AFGHANISTAN and LAHORE, in 1838.** *Rights of Sovereignty.* This involved the claim of Shah Shoojah-ool-Moolk upon Shikarpoor and the territories of Sind generally. By a *Treaty of Alliance and Friendship*, which was executed *June 26th*, 1838, between Maharajah Runjeet Singh, of Lahore, and the exiled ruler of Afghanistan, Shah Shoojah-ool-Moolk, "with the approbation of, and in concert with, the British Government," it was agreed that Shah Shoojah's rights "should be ARBITRATED and adjusted by the British Government." Whether this engagement was carried out or not is unknown. The British supported Shah Shoojah in the invasion of Afghanistan, to the throne of which he was restored by their aid, and there followed the bloody and disastrous Afghan War, which added a crimson chapter to the history of British conquest in the East Indies.

References: Parl. Papers, East India (Cabul and Afghanistan) June 8th, 1859, p. 294; Annals of Our Time (Irving), 1837-1871, p. 21.

21. **FRANCE and MEXICO, in 1839.** *Acts of War.* This was a question of mutual claims for personal injuries and capture of ships arising out of the recent war between the two countries, which terminated after the blockade for a year and the taking of the fortress of San Juan de Ulúa, and of the legitimacy of

certain acts committed on both sides. By the terms of Art. 2 of the *Treaty of Peace*, and of Art. 2 of a Convention of indemnity, signed at *Vera Cruz, March 9th, 1839*, the questions in dispute were submitted to the ARBITRATION of a third Power. The case was referred to the English Sovereign, Queen Victoria, who gave her *Award* on August 1st, 1844, to the effect that the claims on both sides were invalid, the acts of both countries being justified by the state of hostilities between them.

References: Calvo, II. 550, 551; Du Clercq, IV. 446, 448, V. 193 (195); R.M.P., IV. 564, 566; N.R., XVI. 607; Brit. and For. State Papers, XXIX. 222; *Tratados de Méjico*, I. 415-425; Gaspar Toro, *Notas*, etc., pp. 114, 115; *Reclamaciones Internacionales de Mexico*, etc. (Boletín Oficial), I. 1-10; Dreyfus, pp. 160, 161; Revon, pp. 304, 306; Kamarowsky p. 193; Moore, V. 4865, 4866; P.I., pp. 20, 21.

22. MEXICO and UNITED STATES, in 1839. *Personal Indemnities.* This was a question of claims by citizens of the United States against the Government of Mexico for injuries suffered during numerous revolutions.

(a)—These were referred by the *Treaty signed at Washington, April 11th, 1839*, to four COMMISSIONERS, two from each country, and failing their agreement, to the King of Prussia, who appointed Baron Roenne, his Minister at Washington, as ARBITRATOR. Under his presidency the Commission met at Washington, and adjudicated on 54 of the claims, which were decided in favour of the United States, Mexico paying 671,798.08 dollars.

(b)—The remaining claims were referred, in 1843, to another COMMISSION by a *Convention signed at Mexico, January 13th*. The American Senate ratified this Convention, with an amendment which was never accepted by Mexico. In 1846 matters had become further complicated by certain payments of interest due from Mexico having fallen into arrears, and by other differences having arisen between the two states. War, therefore, resulted, at the close of which, by the *Treaty of Guadalupe Hidalgo, February 2nd, 1848*, payment of the money was provided for, and the affair settled as between the two Powers. The claims were then dealt with by a Domestic Commission, appointed under Art. 15 on March 3rd, 1849 (which see).

This case of Arbitration was followed by war; but the war was succeeded by a Permanent Arbitration Treaty, which is the first of the kind recorded between independent nations. Article 21 of the *Treaty of Guadalupe Hidalgo* contained an Agreement to arbitrate future difficulties between the two countries, and to this general obligation, says Prof. Moore, "all subsequent arbitral arrangements between the two countries may, in a measure, be referable."

References: N.R., XVI. 624; *Revue de Droit Int.*, etc., 1874, p. 123; R.M., V. 273 (274); VI. 199 (206); See Brit. and For. State Papers, VIII.-X., XII., XIII., XV., XVII., XIX., XX., XXII.-XXVII., XXIX., XLI.; *Tratados y Convenciones vigentes, Mexico*, 1904, pp. 1-25; Calvo, II. 553, 554; H. of P., 1866, p. 122; *Reclamaciones Internacionales de Mexico*, etc. (Boletín Oficial), I. 11-180; S.P., p. 2; Martens-Samwer, I. 32; U.S. Stats. at Large, VIII. 526, IX. 922, Sen. Doc. 1841-1842, Doc. 320; Reports of Committees, 1841-1842, Doc. 1096; U.S. Govt. Papers, April 30th, 1840; House Reports, No. 505, 26 Cong. 1 Sess., II.; Méérignac, pp. 52, 53; Lawrence, p. 123; *Pandectes françaises*, No. 52; *Tratados y Convenciones Vigentes Mexico*, 1904, pp. 1-25; Moore, II. 1209-1249, V. 4771-4773; P.I., 21-24.

23. ARGENTINE and FRANCE, in 1840. *Personal Indemnities.* This had reference to claims made by French subjects for losses and injury in the Argentine Republic, the total of which alone had to be determined. The submission to arbitration was effected by a *Convention signed at Buenos Ayres, October 28th, 1840*, and was made to a COMMISSION composed of six members, three appointed by each party, together with their two Ambassadors, with liberty, in case of disagreement, to refer it to the Arbitration of a third Power, to be chosen by the French Government. By an *Agreement* concluded between the Commissioners, signed at Buenos Ayres, April 26th, 1841, the total of the indemnities was fixed at 173,725 piastres.

References: De Clercq, *Recueil des Traites de France*, IV. 591, 594; P.I., pp. 587, 588.

24. GREAT BRITAIN and PORTUGAL, in 1840. *Military Service.* This case of Arbitration was undertaken for the settlement of Claims of

British subjects for services in the army and navy of Portugal during the late war of liberation. A public notice dated November 6th, 1840, states that a MIXED COMMISSION had been appointed by the British and Portuguese Governments to sit in London, consisting of two Commissioners, co-equal in power, "their decisions to be final when they were agreed in opinion," and an Umpire, if necessary, "who shall be the Minister of some third Power, resident in London." Instructions to this Commission were agreed upon November 13th, 1840. Awards, amounting to £162,500, were made by them, August 26th, 1842, which sum was being paid by Portugal March 28th, 1844.

References: Brit. and For. State Papers, XVIII. 43; Hertslet, Complete Collection, etc., VI. 726-732, 745-747; P.I., pp. 93-97, 636-640.

25. **GREAT BRITAIN** and the **TWO SICILIES**, in 1840. *Sulphur Monopoly* Through the establishment of a monopoly for the extraction and sale of sulphur by a Decree of the King of Naples, dated July 9th, 1838, certain English houses suffered considerable loss. A notice from the British Foreign Office, dated November 17th, 1840, declared that a JOINT COMMISSION, consisting of five members, two selected by each Government and one by France, had been appointed, which should meet at Naples, to liquidate the claims of British subjects against the Neapolitan Government, the British members of which were Sir Woodbine Parish, K.C.B., and Mr. Stephen H. Sullivan. The Commission was installed at Naples, March 23rd, 1841, and closed its work on December 24th, 1841, by an Award, signed by all the members, including the "Umpire Commissioner," adjudging a sum of £21,307. 14s. to the claimants, as against a total of £65,610. 5s. 5d. claimed.

References; Hertslet, Complete Collection, etc., VI. 796-804; P.I., pp. 97-100.

26. **BRAZIL** and **UNITED STATES**, in 1842. *Maritime Capture*. This was the case of the Schooner "John S. Bryan," which was seized in the province of Para, in June, 1836. On October 15th, 1842, COMMISSIONERS were appointed by the Governments of Brazil and the United States Legation at Rio de Janeiro, respectively, to determine the amount of loss and damage suffered in consequence of the seizure and detention of the schooner. On June 12th, 1843, the Commissioners awarded the sum of 26 contos of reis to be paid by Brazil as indemnification. The payment of this sum was withheld till May 20th, 1846, when it was paid to the Minister of the United States at Rio, without interest. A claim for interest, and for the expenses incurred in the original claim, came before the Domestic Commission appointed under the Convention of January 24th, 1849.

References: Mr. Fisher to Mr. Matteson, August 7th, 1851; MSS, Dept. of State; Moore, V. 4613, 4614; P.I., p. 617.

27. **FRANCE** and **GREAT BRITAIN**, in 1842. *Portendic Claims*. These were claims for injuries sustained by British merchants engaged in the gum trade, in consequence of the absence of any notification of the blockade of the Portendic coast of Morocco by France, in the war of 1834 and 1835, against the Trarza Moors.

(a)—It was ultimately agreed, by a Declaration, done in duplicate at Paris, on November 14th, 1842, to refer the differences, which had arisen, to the King of Prussia, as ARBITRATOR, who gave his Award November 30th, 1843, in favour of Great Britain.

(b)—In this Award, His Majesty decided that with respect to the application of that Award "to individual claims, as also with respect to the determination of the amount of each of these to which an Indemnification ought to be allowed, these must be performed in conformity with the Declaration of November 14th, 1842, by Commissioners of Liquidation, the one English the other French, subject to the Arbitration between them, in case of need, of an Umpire, whom we shall have to appoint." Accordingly a MIXED COMMISSION of two Members, with power to appeal to an Umpire, in case of need, was appointed in 1844, to fix the amount of the indemnity, etc. The Decisions of the Umpire were dated Berlin, June 20th and October 3rd, 1844. France was adjudged to pay 41,770.89 francs, as against over 2,000,000 francs claimed. This sum was

voted by the French Chamber in its legislative session of 1845, the Resolution being carried on June 20th.

References: State Papers, XXXIV. 1102, XLII. 1377; De Clercq, IV. 658, V. 131 (183); Hertalet, Complete Collection, etc., VIII. 992; Hertalet, Map of Africa, etc., II. 341-543; Calvo, II. 550, Sec. 1730; Dreyfus, p. 161; Revon, pp. 303, 304; Kamarowsky, p. 200; P.L., pp. 24-26; Moore, V. 4936-4938; Mérignac, p. 51; Elliot, p. 30; Bellaire, p. 412; Lawrence, p. 122; Pandectes, No. 51; Laveleye, p. 189; De Card, p. 57; Bonfilis, p. 527; Despagne, p. 706; Pradier-Fodéré, p. 347.

28. **GREAT BRITAIN and HANOVER, in 1843.** *Ownership of Crown Jewels.* This case is interesting, the more so that while being strictly international, it partakes largely of a family and personal character. The question at issue was the ownership of part of the Crown Jewels of Great Britain, which was claimed as property of the Crown of Hanover—that Kingdom being separated from Great Britain on the accession of Queen Victoria in 1837. The dispute began shortly after her accession, that is in the year 1839. The two Sovereigns eventually agreed to submit the matter to the ARBITRATION of three English Jurists, who were nominated in 1843. Before an Award could be given death made changes in the personnel of the Tribunal, which in consequence became defunct. The matter remained in abeyance for a number of years, and then another Commission of the same character (three English Judges of the highest eminence) was appointed. The *Award* of this Tribunal, which was given in the middle of December, 1857, was wholly in favour of the King of Hanover, and the Jewels were given up and exhibited in Hanover on the anniversary of the wedding day of the King and Queen, February 18th, 1858.

References: The Official Journal of Hanover, January, 1858; London Times, December 3rd, 1857, January 8th and 9th, February 25th and 26th, 1858; Certified by British Foreign Office.

29. **AUSTRIA and SARDINIA, in 1845.** *Salt Trade.* In this year a dispute arose between these two Powers as to the interpretation of Art. 2 of the Convention of 1751, which regulated the Sardinian salt trade. The Emperor Nicholas of Russia was chosen as ARBITRATOR. He proposed to accept instead the rôle of MEDIATOR, and in that capacity gave a *Judgment* to the effect that Sardinia was right according to the spirit of the Convention, but Austria according to the letter. This was accepted by both parties as settling the matter.

References: Dreyfus, L'Arbitrage Int., pp. 161, 162; Martens, III. 149.

30. **PERSIA and TURKEY, in 1847.** *Frontier Questions.* The disorganised state of the border districts of Persia and Turkey had long been productive of dissensions between the two States.

(a)—Therefore, on May 31st, 1847, *Articles of Agreement* were concluded and signed between these Powers, at Erzeroum, by which a MIXED COMMISSION of four, representing the Contracting Parties together with Great Britain and Russia as mediating Powers, was appointed (Arts. 1 to 4) to determine the frontier, to settle all losses mutually sustained subsequent to the acceptance of the propositions of the Mediating Powers in June, 1845, and to arrange equitably arrears of pasture fees, etc. The Commissioners under these stipulations were appointed in 1849, and completed their work to the extent of preparing a map of the border districts. The actual demarcation, however, was not effected, and remained in abeyance.

(b)—In 1869 a Protocol was signed on behalf of Persia and Turkey on the simultaneous presentation by the Representatives of England and Russia at Constantinople and Teheran of a map, which had been drawn up by the English and Russian Commissioners, showing a band of territory, twenty-five to forty miles wide, within which the Mediatory Powers declared they considered the frontier line ought to be found. Under this Protocol (Art. 2) the *status quo* of the lands in dispute was to be maintained until the boundary line should be settled.

(c)—In 1871 the border disputes were revived; and it was then agreed that a Perso-Turkish COMMISSION should meet at Constantinople for the purpose of carrying these provisions into effect, and at which delegates of England and Russia should take part. Owing to the dilatoriness of the Porte this Commission never met and, therefore, the *status quo* continued.

References: C. U. Aitchison, Collection of Treaties, Engagements and Sanads, India, Calcutta, 1892, X. 23 and Appendices 17, 18.

31. **GREAT BRITAIN and GREECE, in 1850.** *Loss of Documents.* Other claims against Greece were settled independently. The Arbitration related to a claim by M. Pacifico, a British subject, who resided at Athens from 1828 to 1834, for loss of certain documents relating to claims against the Portuguese Government. The loss took place in the sack of his house at Athens. By means of the good offices of the French Government, it was agreed to submit the dispute to Arbitration. This was done by a *Convention* signed at Athens July 18th, 1850; ratified December 9th, 1850, which referred the case to two ARBITRATORS, with an Umpire to decide in the event of difference. These were Messrs. Patrick F. C. Johnstone (appointed by Great Britain) and G. T. O'Neil (by Greece), and M. Leon Béclard, Convener and Umpire (appointed by France). The Commission met at Lisbon, in February, 1851; they discovered that copies of the lost documents existed in several archives, and by an *Award* given at Lisbon, May 5th, 1851, they adjudged M. Pacifico £150, instead of the £21,295 which he had claimed.

References: Hertslet, Complete Collection, etc., IX. 499-503; Brit. and For. State Papers, XXXVIII. 16, XXXIX. 332, XL. 617; P.L., pp. 118-115.

32. **FRANCE and SPAIN, in 1851.** *Maritime Seizures.*—This was a question of indemnities arising from seizures by the fleets of both countries, prior to the year 1823, and especially relating to the Spanish ships, the "Veloce Mariana" and the "Vittoria," and the French frigate, "La Vigie." The Treaty of January 5th, 1824, disposed of these captures, but serious difficulties had arisen respecting the interpretation and execution of this Treaty. By a preliminary Declaration exchanged at Madrid, February 15th, 1851, the King of the Netherlands was chosen as ARBITRATOR. His *Award* was given April 13th, 1852, partly in favour of both, but the indemnity under the *Award* was not settled before the Convention of February 26th, 1862, by which the two Governments made themselves responsible for payment, thus dispensing with the provisions previously made by the Declaration of February, 1851, for a Mixed Commission to apply the decision to the facts of the case.

References: N.R., VI. 386; De Clercq, III. 304, VI. 81, 170, VIII. 388-390; Brit. and For. State Papers, XI. 20; Dreyfus, pp. 162, 163; Revon, p. 305; Calvo, II. 551, 552; Mérygnac, pp. 61, 62; Kamarowsky, p. 194; Pandectes françaises, No. 55; Moore, V. 4873-4877; P.L., pp. 26-30.

33. **PORTUGAL and UNITED STATES, in 1851.** *Duty of Neutrals.*—This case arose from the non-fulfilment of neutral duty in permitting the destruction of the American ship, "General Armstrong," by a British fleet in the port of Fayal, in the Azores, belonging to Portugal, September 26th, 1814. After long years of diplomatic correspondence, it was agreed between the two Governments, in a *Treaty of February 26th*, 1851, to refer the question to the ARBITRAMENT of a friendly Sovereign or State. The President of the French Republic, Louis Napoleon, was chosen Arbitrator under this Convention, and he, by his *Award*, given November 30th, 1852, against the United States, declared that the privateer was the aggressor, and that the Portuguese Government was not responsible for what had taken place. This instance of Arbitration is important as averting a serious conflict, which threatened, between the two countries; and because the *Award* entailed a curious legal process between the United States Government and the owners of the privateer for whom it was acting.

References: Brit. and For. State Papers, XLII. 1378, XLV. 465-552; De Clercq, VI. 237; Dreyfus, pp. 163-165; Adams's Hist. of U.S., II. 202, etc.; Treaty Volume (U.S.), 897, etc.; Stats. at Large, X. 912; Wheaton Int. Law, 720 n.; Calvo, II. 552; Treaties and Conventions, etc., 1776-1887, p. 896; S.P., p. 2; Mérygnac, pp. 50, 51; De Martens, Traité de Droit Int., p. 140; Bonfils, Manuel de Droit Int., publ., p. 528; Kamarowsky, p. 198; Phillimore, Commentaries on Int. Law, III. 590; Caleb Cushing, Le Traité de Washington, p. 267; Elliot, pp. 23-25; Pandectes Françaises, No. 54; Laveleye, p. 188; De Card, No. 58; Despagnet, p. 706; Pradier-Fodéré, p. 347; Revon, 306, 308; Moore, II. 1071-1182, V. 4791; P.L., pp. 30, 31.

34. **CANADA and NEW BRUNSWICK, in 1851.** *An Inter-provincial Arbitration.* (a)—A Boundary Question between these two States had, in the year 1846, been referred to three Commissioners, Captains Pipon and Henderson, of the Royal Engineers, and Mr. Johnstone, Attorney-General of Nova Scotia, to

report on a line which would satisfy "the strict legal claims of both provinces." Their report, which was given on July 20th, 1848, was accepted by the Executive Council of New Brunswick, but not by that of Canada. (b)—The British Government thereupon suggested Arbitration. This suggestion was accepted, and it was agreed that the Arbitration should be held in London. Dr. Travers Twiss and Thomas Falconer, Esq., were appointed ARBITRATORS. They chose Judge Stephen Lushington, of the Admiralty Court, as UMPIRE. On April 17th, 1851, they made an *Award* (Mr. Falconer dissenting), which was duly carried into effect.

References: Parl. Blue Book, Canada, etc., July 11th, 1851, pp. 81, 86; Brit. and For. State Papers, XL. 850, XLIV. 685, XLVII. 523; Moore, I. 157-161.

35. GREAT BRITAIN and UNITED STATES, in 1853. *Reciprocal Claims.* This was a question of various claims, including that for value of slaves who captured the ship "Creole," and sailed to a British port, where they were liberated, in 1841. These claims numbered 115, and consisted of all those which had been presented to the Governments of both countries since the Treaty of Ghent, December 24th, 1814, "on the part of corporations, companies, or private individuals" on both sides. They were, by a *Convention* signed February 8th, 1853, referred to a MIXED COMMISSION, consisting of Messrs. Nathaniel G. Upham (U.S.), and Edmund Hornby (Eng.), with Mr. Joshua Bates, of London, as Umpire, whose powers were prolonged by the Treaty of Washington, July 17th, 1854. Of the 40 American claims, 12 were allowed, with damages amounting to £68,131; and of the 75 British, 19, with damages £57,252. 13s. 4d. "No case of Arbitration," said a writer in the *North American Review*, "has ever been more successful than this. Damages were awarded in some thirty claims, and many important decisions were pronounced by this Commission." Mr. Seward once remarked that it "had the prestige of complete and even felicitous success."

References: Calvo, II. 269, 270; Revon, p. 308; Dreyfus, p. 166; Kamarowsky, p. 191; Charles Samwer, N.R.G., XVI., Pt. I., 491-496; MSS., Dept. of State; S. Ex. Doc., 103, 34 Cong., 1 Sess., 14, 19, 20, 44-48, 80, 81, 165-169, 456, 457; Treaties and Conventions, 1776-1887, pp. 445-453; Wheaton's Hist. of Law of Nations, 720-737; *Id.*, Int. Law, 204 n.; S.P., p. 2; Mérignhac, pp. 56, 57; Pandectes françaises, No. 56; Moore, I. 391-425, IV. 434-4378; P.I., pp. 31-33.

36. ECUADOR and PERU, in 1853. *Maritime Seizure.* During an armed expedition made against Ecuador by Don Juan José Flores, one of its Generals and ex-Presidents, the ships belonging to the expedition took refuge in the Port of Paíta, belonging to Peru. This led to strained relations between the two countries. Ultimately, after repeated Conferences, by the *Treaty* of Peace, Amity, and Arbitration, signed at Lima on March 16th, 1853, the question of the ownership of the vessels and their armaments was (Art. 5) submitted to the ARBITRAL AWARD of Chili, to which both Contracting Powers pledged themselves to submit. We are unable to say what further was done in the matter.

References: Tratados del Peru, V. 132; Gaspar Toro, Notas, etc., p. 129; P.I., p. 588.

37. GREAT BRITAIN and UNITED STATES, in 1854. *Reserved Fisheries Question.* This case of Arbitration arose out of Art. 1 of the Convention between the two countries, signed at London, October 20th, 1818, and had as its object the exact determination of the parts of the coasts reserved exclusively for the fishermen of each nationality. By the Reciprocity *Treaty* signed June 5th, 1854 (ratifications exchanged at Washington, September 9th, 1854), the dispute was referred to a MIXED COMMISSION, one from each side, the two thus appointed to select an Umpire; Mr. G. G. Cushman, of Maine, being appointed by the United States, and Mr. M. H. Perley, of New Brunswick, by Great Britain. The Commission was organised in 1855, and met at Halifax, August 25th of that year. Its labours were suspended in October, 1856, and the Commission did not meet again until July 17th, 1857, when the Hon. John Hamilton Gray, of New Brunswick, was chosen by lot as Umpire. His *Awards*, referring to 26 localities were made at St. Johns on the 8th, and were received by the Commissioners on April 17th, 1858. They were not final however, and changes followed in the Membership of the Commission, whose labours terminated in 1866, its last *Award* being made on February 13th, in that year, when

"all the delimitation had been completed except on a small section of the southern coast of Newfoundland and a section of the coast of Virginia." In the Treaty of May 8th, 1871, it was stipulated by Art. 20 that the *Awards* of the Commission should be final.

References: MSS. Dept. of State; Parl. Papers, 1854; Treaties and Conventions, 1889, p. 444; Moore, L. 426-493, V. 4747-4749; P.I., pp. 487-449.

38. GREAT BRITAIN and PORTUGAL, in 1855. *Personal Claim.* This was a claim against the Portuguese Government by Mr. and Mrs. Croft, arising out of a denial by the Portuguese administrative authorities of a patent of registration in reference to the payment of a marriage portion from the Barcellinhos family, the rights to which had been accorded to them by judicial decisions. By a *Memorandum* dated July 9th, 1855, the Senate of Hamburg was chosen ARBITRATOR. Its *Award* was given February 7th, 1856, in favour of the Portuguese Government.

References: Brit. and For. State Papers, L. 1288-1294; Dreyfus, p. 166; Borges de Castro, *Collecção dos Tratados*, VIII. Suppl., 34-60; Moore, V. 4979-4983; P.I., pp. 871-877.

39. FRANCE and GREAT BRITAIN, and URUGUAY, in 1857. *Acts of War.* This case of Arbitration was instituted to estimate the amount of the damages inflicted upon French and English subjects during the war which came to an end in 1851. These claims had been partly dealt with in the Law of July 14th, 1853, but by a *Convention*, concluded at *Monte Video*, on June 23rd, 1857, they were referred for definite settlement to "a MIXED COMMISSION having the character of a JUDGE-ARBITRATOR." This Commission was composed of four Members—two appointed by the Republic of Uruguay and one each by the others; for the duty of Umpire, if necessary, a fifth was to be drawn by lot from a list of eight to be chosen in advance in the same way as the Arbitrators themselves. Art. 7 provided that the *Indemnities agreed upon* by this Mixed Commission should be treated as a National Debt, the liquidation of which should be dealt with by a special Convention. Accordingly a Convention was signed at Monte Video, June 28th, 1857, making such arrangements (see Preamble) for indemnities amounting to 4,000,000 piastres, at which total they were fixed.

References: De Clercq, VII. 290; Hertalet, Complete Collection, etc., X. 1049, XIII. 1007; Brit. and For. State Papers, XLVIII. 959, 960; P.I., pp. 115-117.

40. HOLLAND and VENEZUELA, in 1857. *Territorial Dispute.* This involved the question of sovereignty over the Island of Aves in the province of Barcelona, Venezuela, which is rich in guano, and which the Government of Holland maintained formed part of the Dutch Antilles. It was submitted by a *Convention* of August 5th, 1857, concluded at Caracas, to the ARBITRATION of the Queen of Spain. Her *Award*, which was given at Madrid in June, 1865, declared the Island the property of the Venezuelan Republic, but imposed the payment of an indemnity to Holland for the loss of the fishery rights of her subjects.

References: *Tratados de Venezuela*, p. 86; Seijas, *El Derecho*, etc., IV. 210; Lagemans, *Recueil des Traités*, etc., IV. 322; Gaspar Toro, *Notas*, etc., pp. 115, 116; *Memoria de Relaciones Exteriores de Venezuela*, 1867; Moore, V. 5037-5041; P.I., pp. 151-153.

41. NEW GRANADA and UNITED STATES, in 1857. *Personal Claims.* This was a question of claims arising out of rights acquired by the United States on the Isthmus of Panama, under Treaty with New Granada, of 1846, and, especially, damages caused by a riot at Panama, April 15th, 1856. It was referred, under *Convention* concluded September 10th, 1857 (but ratified and proclaimed at Washington, November 5th and 8th, 1860), to a MIXED COMMISSION, composed of two Commissioners, Messrs. Elias W. Leavenworth (U.S.), and José Marcelino Hurtado (N.G.), and an Umpire, Mr. N. G. Upham, of New Hampshire. The Commissioners met in Washington, June 10th, 1861, and continued their labours until March 9th, 1862, when they adjourned *sine die*, having *adjudicated* on part of the claims only. The total of their *Awards* in the 73 cases decided by them

was 496,235.49 dollars, which was paid by New Granada. With regard to the others, the Commissioners were unable to agree. The unsettled claims, numbering about 125, formed the subject of a new Adjudication.

References: Brit. and For. State Papers, XLVII. 353-355; MS. Consular Letters from Panama, etc.; Treaties and Conventions, etc., 1776-1887, pp. 210, 213; Moore, II. 1361-1396, V. 4694-4696; P.I., pp. 38-85, 620.

42. BRAZIL and GREAT BRITAIN, in 1858. *Mutual Claims.* This case of Arbitration sought the settlement of a number of outstanding private claims against the Governments of both countries. By a *Convention* signed at *Rio de Janeiro, June 2nd, 1858*, and ratified at London, September 9th, 1858, these were referred to a MIXED COMMISSION of two Members, with Umpire to be chosen by lot if necessary. The Arbitrators held their first meeting at Rio de Janeiro, on March 10th, 1859. Fifty-one English claims and 108 Brazilian were presented to the Commission. The whole of the latter referred to the slave trade, and when the Commission had pronounced on five English and four Brazilian claims, the British Government interposed with the objection that, by the Treaty of November 23rd, 1826, confirmatory of the Convention signed between Great Britain and Portugal on July 28th, 1817, these were beyond the competence of the Commission. The suspension of diplomatic relations between the two countries put an end to the powers of the Commissioners, and these seem never to have been renewed.

References: Brit. and For. State Papers, XLVIII. 18-28; Hertlet, Complete Collection, etc., X. 724-729; P.I., pp. 117-119.

43. MOLDAVIA and WALLACHIA, in 1858. "*Dedicated Convents.*" In 1827 a Firman of the Porte reinstated the Church in possession of properties in Wallachia and Moldavia. In 1831, by the Organic Regulation of these two countries, the question was submitted to a Mixed Commission, which could not settle it. By *Protocol 13 of the Paris Conference, July 30th, 1858*, the Parties were invited to settle the Question amicably; and it was provided that if this could not be done it should be referred to ARBITRATORS with an UMPIRE chosen by them, or, in default, by the Sublime Porte in concert with the Guaranteeing Powers. The Protocol of the sitting of September 6th, 1859, declared that a period of a year, provided for the appointment of the Arbitrator, should commence one month after the day on which Col. Couza should receive his investiture as Hospodar of Moldavia and Wallachia. The Arbitrators, were appointed, but an Agreement regarding the Umpire was not come to, and the period of delay was in vain extended for six months, while the Law of Secularisation was voted December 15th, 1863, and the ecclesiastics were expelled. Turkey and the Patriarchis protested, and by the Protocols of May 9th, 14th, 18th, 1864, the Conference of Brussels instituted a Commission of Inquiry, and also created a Special Treasury into which the revenues of the disputed properties should be paid. The Conference of Berlin in its Protocol 15 referred the matter to its various Governments, for examination with a view to settlement. On August 19th and 21st, 1881, the Ottoman Chancellerie instructed its representatives to request from the Powers the execution of this Protocol. There the matter was left.

References: State Papers, XLVIII. 103, LXIX. 862; Two Vols. published at Constantinople in 1880; Hertlet, Map of Europe, etc., II. 1328, 1378, 1379, IV. 2751; Mérimé, pp. 58, 59.

44. ARGENTINE and FRANCE, GREAT BRITAIN, and SARDINIA, in 1858. *Results of Civil War.* This was an adjudication of the claims of subjects of the last three countries for losses sustained during the disorders of the Civil War in the Argentine Republic. The liability was not disputed, and by three separate *Conventions*, concluded with the three Powers, at *Parana* on the same date, *August 21st, 1858*, completed by three additional Articles of August 18th, 1859, the question of the amounts of the indemnities to be paid was referred for settlement to a TRIBUNAL consisting of three Commissioners appointed by the Argentine Government, together with the Minister Plenipotentiary of each of the three Powers or his representative, and the amounts to be settled by them

were recognised as a National Debt by the Government of the Argentine Confederation. No report, so far as we are aware, has appeared of the labours of this Commission.

References: Brit. and For. State Papers, XLVIII. 28-47, XLIX. 1340, 1341; De Clercq, VII. 492-495; Hertalet, Complete Collection, etc., XI. 50-55; Colección de Tratados celebrados por la Republica Argentina, I. 680-680; P.I., pp. 119-121.

45. **CHILI and UNITED STATES, in 1858.** *The "Macedonian" Case.* This was a claim for compensation for silver bars and coin taken in the valley of Sitana, on May 9th, 1821, by the Chilean admiral, Lord Cochrane, from the Captain of a brig, the "Macedonian," belonging to an American citizen, and sold by him for 70,400 piastres. The dispute must have ended in war. After considerable correspondence, it was announced, on September 2nd, 1852, that both parties were willing to accept the King of the Belgians as Arbitrator. More than six years, however, elapsed before the conclusion of the terms of submission to arbitration. This was done by a *Treaty* concluded November 10th, 1858, by which it was referred to His Majesty, whose acceptance of the post of ARBITRATOR was announced on July 9th, 1860. His *Award*, given at Laeken, May 15th, 1863, sustained the American claims, and condemned Chili to refund three-fifths of the sum appropriated, together with interest. The sum paid by Chili was 42,000 dollars.

References: Calvo, II. 553; Revon, p. 311; Dreyfus, p. 167; Tratados de Chili, I. 293; Memoria de R. E. de Chile, Santiago, 1863, p. 65; Pièces principales de la Correspondence, etc., Bruxelles, 1861; Gaspar Toro, Notas, etc., pp. 116, 117; N.R.G., XVII. 243; Treaties and Conventions between U.S. and other Powers, 1776-1887, p. 142; Mérignhac, pp. 57, 58; Bonfils, p. 528; Despagne, p. 707; Kamarowsky, p. 196; Lawrence, Revue de Droit Int., 1874, VI. 118; Pandectes No. 60; Laveleye, Causes, etc., p. 189; Bancroft Davis, Treaties and Conventions, 1873, p. 129; De Card, p. 59; S.P., p. 2; State Papers, XLIX. 492; Moore, II. 1449-1468, V. 4689-4691; P.I., pp. 85-87.

46. **PARAGUAY and UNITED STATES, in 1859.** *Commercial Claims.* These were claims against Paraguay by the "United States and Paraguay Navigation Company," and on account of other matters not connected with the Company. Following a naval demonstration by the United States, the question was referred by formal *Convention*, signed February 4th, 1859, to "a special and respectable COMMISSION" of two members, one chosen by each country, with provision for choosing an Umpire. The American Commissioner, appointed by President Buchanan as the result of an Act of Congress, May 16th, 1860, was Mr. Cave Johnson; the Commissioner on the part of Paraguay was Don José Berges. The Commissioners held their first meeting in Washington on June 22nd, 1860, and their last session was held on August 13th, 1860, when they filed a unanimous *Award*, which was adverse to the claims of the Company. The text of the Award has been published by J. B. Moore, who says that, notwithstanding this, "on the ground that the Convention admitted liability, and that the Commissioners, by going into the merits of the case, had exceeded their competency, the United States repudiated the Award, and has since endeavoured to settle the claim by negotiation." This, because of the action of the Commissioners involving matters of International Law, and of the results which followed their Award, is an interesting and important case.

References: W. B. Lawrence, Revue de Droit Int., 1874, p. 127; Calvo, 4th Ed., § 1268; Wharton's Int. Law, Dig. III. 115; Congress Papers; U.S. Stats. at L.; Curtis's Life of Buchanan, II. 225; History of Paraguay, II. 379; Dreyfus, p. 167; N.R.G., XVII. 255; Treaties and Conventions between U.S. and other Powers, 1776-1887, p. 828; MSS. Dept. of State, U.S.; Brit. and For. State Papers, XLIX. 486; Moore, II. 1485-1549; V. 4781, 4782; S.P., p. 2; P.I., pp. 37, 38, 620, 686.

47. **GREAT BRITAIN and GUATEMALA, in 1859.** *Boundary Questions.* The object of this Reference was to settle the boundary between the British territories in the Bay of Honduras and those of the Republic of Guatemala. By a *Convention* signed at Guatemala on April 30th, 1859, a JOINT COMMISSION was appointed, with instructions to "name some third person to act as Arbitrator or Umpire, in any case or cases in which they may themselves differ in opinion,"

or failing their agreement, to choose two persons, from whom the Umpire in each case must be chosen by lot. We have been unable to trace the result of this Arbitral Reference.

References: *Tratados de Guatemala*, p. 261; *Tratados de Méjico*, I. 433; Gaspar Toro, *Notas*, pp. 141, 142; Hertslet, *Complete Collection*, etc., XI. 345; P.I., pp. 588, 589.

48. GREAT BRITAIN and HONDURAS, in 1859. *Claims and Concessions.* This had reference to the Bay Islands, the Mosquito Indians, and the Rights and Claims of British subjects. By the Convention of *November 28th, 1859*, signed in English and Spanish, at *Comayagua*, these were referred to a MIXED COMMISSION, consisting of two Members, together with an Umpire, chosen by them. These were Mr. James Macdonald and Mr. Leon Alvarado, with Mr. E. O. Crosby, Minister of the United States to Guatemala, as Umpire. The claims were declared to be void; the *Report* of the Umpire bore date November 21st, 1862.

References: Brit. and For. State Papers, XLIX. 13; MSS. Dept. of State; Hertslet, *Complete Collection*, etc., XI. 369; Moore, II. 2106, 2107; P.I., pp. 121, 122.

49. GREAT BRITAIN and NICARAGUA, in 1860. *Claims and Concessions.* These were the claims of British subjects in connection with concessions of lands in the territory of the Mosquito Indians. By the *Treaty* concluded at *Managua* on *January 28th, 1860*, a MIXED COMMISSION was appointed, consisting of one representative of each Power, whose first duty would be, after being duly sworn, to "name some third person to act as Arbitrator or Umpire," or failing to agree, to name two persons from whom one should be chosen by lot to act as such in any particular case. This Arbitration Commission sat at Grey Town from November 1st, 1861. They published an *Arrangement* relative to the settlement of land claims at Grey Town, or "San Juan del Norte," September 27th, 1862, and on April 15th, 1865, concluded their labours by issuing a notice calling on all parties to come forward within six months and receive their grants, as confirmed by the Commission.

References: Hertslet, *Complete Collection*, etc., XI. and XIII. 667, 668; Brit. and For. State Papers, L. 96; MSS. Dept. of State; Moore, II. 2106; P.I., pp. 54-56.

50. COSTA RICA and UNITED STATES, in 1860. *Pecuniary Claims.* These were made on behalf of citizens of the United States, arising from injuries to their persons or damages to their property "through the action of the authorities of Costa Rica." They were referred to a MIXED COMMISSION by *Treaty*, concluded at *San José, July 2nd, 1860*, ratified at Washington, November 9th, 1861, which provided that the Umpire should be chosen by the other two members, or by the Belgian Minister to the United States. The Commissioners chosen were, Benj. F. Rexford, by the United States and D. Luis Molina, by Costa Rica; the Umpire chosen was Chevalier Joseph Bertinatti, the Italian Minister at Washington. The Commissioners met in Washington on February 8th, 1862. They rejected thirteen claims amounting to 544,233 dollars, and sent twenty-one, with a total of 1,222,870.86 dollars, to the Umpire, who by his Award, given on December 31st, 1862, allowed twelve of these, and awarded 25,704.14 dollars to the claimants.

References: State Papers, L. 499; MSS. Dept. of State; *Treaties and Conventions between United States and other Powers, 1776 to 1887*, p. 227; S.P., p. 2; Moore, II. 1551-1568; V. 4701-4704; P.I., pp. 38-40.

51. MUSCAT and ZANZIBAR, in 1861. *Rival Claims.* This was a dispute as to the succession to the dominions of Zanzibar, involving its independence, which arose between Syud Thowaynee, of Muscat, uncle of the late Sultan of Zanzibar and Syud Majeed, of Zanzibar, both being sons of Syud Saeed. It was referred to the ARBITRATION of Lord Canning, then Governor-General of India, by what instrument is not known. We have been unable to trace the method or date of reference. His *Award*, which is contained in identical letters addressed to the two claimants, on April 2nd, 1861, declared the independence of Zanzibar and the African dominions of the late Sultan under Syud Majeed, subject to an annuity,

with payment of two years' arrears by him to the Sultan of Muscat. This Award was accepted by the Sultan of Muscat on May 15th, and by the Sultan of Zanzibar on June 25th, 1861.

References: Hertslet, *Map of Africa*, etc., II. 961, 962; *State Papers*, LVI. 1897, 1898; *Statesman's Year Book* (Annual); *Arts. on Zanzibar and Oman*.

52. GREAT BRITAIN and PORTUGAL, in 1861. *Personal Claims.* Messrs. Yuille, Shortridge & Co., British subjects, having obtained a favourable judgment in the Courts, the Portuguese Higher Courts, contrary to the stipulations of Treaties in force from 1654 to 1810, refused to consider it final and valid. Hence their claim against the Portuguese Government for losses incurred through breach of treaty. By a *Memorandum*, dated *March 8th*, 1861, the dispute was referred to the Senate of Hamburg as ARBITRATOR. The *Award*, which was given at Hamburg, on October 21st, 1861, was in favour of Great Britain, and granted the amount of £20,296. 0s. 2d. to the claimants.

References: Dreyfus, p. 166; *State Papers*, LXI. 841; *Brit. Parl. Papers*, 1854 (404), XVI. 465; 1859, XXVII. 119, 120; Moore, V. 4984; P.L. pp. 377-385 (in which the Agreement and the Award are, for the first time, by favour of the Portuguese Government, published in full).

53. ECUADOR and UNITED STATES, in 1862. *Mutual Claims.* The object of this reference was to adjust the claims of the citizens of each country against the other. By a *Treaty*, signed at *Guayaquil, November 25th*, 1862, ratified at Quito, July 27th, 1864, and proclaimed September 8th, 1864, these were referred to a MIXED COMMISSION of two, consisting of a citizen of each State, who, with an Umpire or Arbitrator, should undertake "the mutual adjustment of claims." The Commissioners were Messrs. Frederick Hassaurek (United States), and J. J. Flores (Ecuador), afterwards F. U. Tamariz; and the Umpire, Dr. A. Destruge. They met at Guayaquil, on August 22nd, 1864. The Commission expired by limitation, August 17th, 1865, all the business before it having been disposed of. The *Award*, dated August 18th, 1865, fixed 94,799.56 dollars as the amount to be paid by Ecuador.

References: *State Papers*, LIV. 1121; *Treaties and Conventions*, etc., 1776-1887, p. 265; MSS. Dept. of State; S.P., p. 2; Moore, II. 1569-1577, V. 4711, 4712; P.L. pp. 40, 41.

54. PERU and UNITED STATES, in 1862. *Maritime Captures.* This arose from the alleged illegal capture and confiscation of two American ships, "Lizzie Thompson" and "Georgiana," at Pabellon de Pica and Punta de Lobos, on January 24th, 1858. After considerable correspondence and discussion, it was referred to the King of the Belgians, as "ARBITER, UMPIRE, AND FRIENDLY ARBITRATOR," by an *Agreement*, signed at Lima, *December 20th*, 1862, of which the ratifications were exchanged at Lima, April 21st, 1863. The King of the Belgians, perceiving after an examination of what had been published on the controversy, that the Arbitration would be "of a very delicate nature by reason of the special circumstances," by a communication of January 14th, 1864, declined to act, and in view of the declaration of the Arbitrator, and especially of the reasons which he gave for it, the Government of the United States decided to accept his adverse opinion, and to treat the claims as finally disposed of.

References: Markham, *Hist. of Peru*, 849; MSS. Dept. of State, U.S.; Wheaton, *Int. Law*, p. 575 n.; Dreyfus, p. 168; Revon, p. 810; *Revue de Droit Int.*, 1874, VI. 126; Kamarowsky, p. 195; *Treaties and Conventions*, etc., 1776-1887, p. 868; *State Papers*, XXXI. 1097, LIV. 1123; S.P., p. 3; Gaspar Toro, *Notas*, etc., pp. 118, 119; Moore, II. 1593-1614; V. 4785, 4786; P.L., pp. 41, 42.

55. BRAZIL and GREAT BRITAIN, in 1863. *Arbitrary Arrest.* This arose from the alleged illegal imprisonment of three British naval officers from the ship "La Forte," at Rio de Janeiro on June 17th, 1862. By a simple *exchange of notes*, which took place at *Rio de Janeiro on January 5th*, 1863, it was referred to the King of the Belgians, Leopold I., as ARBITRATOR, who *decided*, June 18th, 1863, that "in the mode in which the laws of Brazil had been applied

towards the English officers there was neither premeditation of offence nor offence to the British navy." After this decision was rendered, Mr. (afterwards Sir) Edward Thornton was sent on a special mission to express to the Brazilian Government the regret of the British, and diplomatic relations were cordially resumed.

References: N.R.G., XX. 486; Hertslet, Complete Collection, etc., XI. 907; Brit. and For. State Papers, LIII. 160; LIV. 379; A. P. Pinto, *Tratados delo Brasil*, IV. 378, 379; *Annals of Our Time*, 1863, p. 652; *Revue de Droit Int.*, 1874, VI. 126; *Repertoire Général du Droit Français*, V^e Arb. Int., No. 100; *Pandectes Françaises*, p. 62; St. Georges d'Armstrong, p. xci.; Revon, pp. 309, 810; Kanarowsky, p. 187; Calvo, II. 556; Mérignhac, p. 45; De Card, p. 59; Laveleye, *Des Causes de Guerres*, etc., p. 189; Despagnét, p. 274; Dreyfus, 167; Gaspar Toro, *Notas*, etc., p. 118; Moore, V., 4925-4928; P.I., pp. 42, 43.

56. **PERU and UNITED STATES, in 1863.** *Mutual Claims.* Various claims, by citizens of each country against the Government of the other, were, by a *Convention* signed at Lima, January 12th, ratified April 18th, and proclaimed May 19th, 1863, referred to a MIXED COMMISSION of four members (two chosen by each) and an Umpire. The Commissioners chosen were Messrs. E. George Squier and James S. Mackie, United States, and F. B. Alvarez and S. Tarara, Peru. The Commissioners held their first formal meeting at Lima on July 17th, 1863, and elected as Umpire Gen. Pedro A. Herran, a citizen of Colombia, who was then in Lima. On November 27th, 1863, all the claims having been finally disposed of, the presiding officer declared the Commission to be dissolved. The *Awards*, which reached a total of 1,152,401.19 dollars, were in favour of the United States by a preponderance of 63,500 Peruvian Soles.

References: S.P., p. 8; State Papers, LIV. 1124; *Treaties and Conventions*, U.S., 1776-1887, p. 870; MSS. Dept. of State; Gaspar Toro, *Notas*, etc., p. 119; Revon, p. 810; Moore, II. 1615-1638, V. 4786-4788; P.I., pp. 43, 44.

57. **GREAT BRITAIN and UNITED STATES, in 1863.** *Companies' Claims.* These were claims for compensation made by the Hudson's Bay and Puget's Sound Agricultural Companies, for the appropriation of lands possessed by them in the Territories of Oregon and Washington, the rights of which were secured to them by Arts. 2, 3, and 4 of the Treaty of June 15th, 1846. By a *Treaty*, concluded July 1st, 1863, the question of the indemnities due to these Companies was referred to two ARBITRATORS, Hon. John Rose, of Canada, and ex-Judge Alexander Johnson, of New York, and an Umpire, chosen by them, on April 21st, 1865. The Umpire was Benjamin R. Curtis. The Commissioners held their first meeting in the City of Washington on January 7th, 1865, and on September 10th, 1869, they filed their opinions, and rendered an *Award*, in which they gave 450,000 dollars to the Hudson's Bay Company, and 200,000 dollars to the Puget's Sound Company, the Umpire refusing to sign. In accordance with the Award, transfers were executed to the United States by the two Companies, and the money was duly paid by the United States in two instalments of 325,000 dollars each.

References: S.P., p. 3; *Revue de Droit Int.*, 1874, VI. 126; Gesta Christi, p. 351; Dreyfus, p. 168; De Card, 62; Revon, 312; U.S. Govt. Paper No. 482; MS. Journal of the Commission; 16 *Stats. at L.* 386, 419; *For. Rel.*, 1871, pp. 532-540; *Treaties and Conventions*, U.S., 1776-1887, pp. 467-469; Moore, I. 287-270, V. 4749-4751; P.I., pp. 44-46.

58. **GREAT BRITAIN and PERU, in 1863.** *Arbitrary Arrest.* This case involved claims for compensation, on account of the alleged false imprisonment, and banishment from Peru, of a British subject, Captain Thomas Melville White, who had been arrested at Callao (March 23rd, 1861), kept in prison at Lima (until January 9th, 1862), and then expelled the country. An indemnity of £4,500 sterling was claimed on his behalf by the British Government. By a note *verbale*, signed at London, in July, 1863, by the representatives of the two Governments, it was agreed to refer to the ARBITRATION of the Senate of Hamburg. The *Award*, which was given on April 12th, 1864, decided that the claim was based upon a partial and exaggerated statement, and was entirely inadmissible,

inasmuch as the procedure adopted by the Peruvian law courts had been quite regular and according to the laws of the country. The parties, however, had to pay their own costs, those of the Commission to be equally divided between them.

References: Parl. Papers, 1864, No. 482; Pandectes Françaises, No. 68; Dreyfus, p. 168; Calvo, II, 556, 557; F. de Martens, *Traité de Droit Int.*, III. 141; Revon, p. 312; Mérignac, p. 46; Kamarowsky, p. 188; De Card, p. 59; Despagne, p. 707; Le Mougin-Roquesfort, p. 178; Gaspar Toro, *Notas*, etc., p. 119; Moore, V., 4967-4978; P.I., pp. 46-54.

59. **COLOMBIA and UNITED STATES, in 1864.** *Panama Riot and other Claims, i.e., claims against Colombia, as representing the late Republic of New Granada, arising out of Treaty rights on the Isthmus of Panama.* These were the claims left undetermined by the former Commission (q.v.). They were referred by a *Treaty*, concluded *February 10th, 1864*, and ratified August 19th, 1865, to a MIXED COMMISSION, consisting of two members, one appointed by each country, and an Umpire. The Commissioners under the new Convention were Mr. Thomas Biddle, for the United States, and Gen. Eustorjia Salgar, for Colombia. They met at Washington, August 24th, 1865, and Sir Frederick Bruce, British Minister at Washington, was chosen Umpire. "Questions that would have been causes of war were thus settled quietly and equitably." The date of the last *Award* was May 18th, 1866. The Awards given in favour of the United States, including those of the former Commission, under the Treaty of September 10th, 1857, amounted to 345,307.31 dollars.

References: Journal of the Commission; MSS. Dept. of State, U.S.; MS. Notes to Colombia; State Papers, XLVII. 358; LIV. 1132; S.P., p. 3; *Anales Diplomáticos y Consulares de Colombia*, 1901, II. 116; *Treaties and Conventions between the U.S. and other Powers, 1776-1887*, p. 213; Moore, II. 1396-1420, V. 4696, 4697; P.I., pp. 35, 620.

60. **SALVADOR and UNITED STATES, in 1864.** *Government Monopoly.* A claim was made on behalf of Mr. Henry Savage, a citizen of the United States, who had imported into Salvador, in September, 1857, a certain quantity of gunpowder, with the cognisance of the authorities, who in 1852 issued a decree making the sale of gunpowder a Government monopoly. On *May 4th, 1864*, an *Agreement* was made with the Government of Salvador, which was signed in triplicate at *San Salvador*, to submit the claim to ARBITRATION in Guatemala on June 1st, 1864. The Arbitrators appointed were Messrs. M. J. Dardon, A. Andreu, and Fernin Armas, who on February 21st, 1865, "finally adjudicated" the claim "in favour of Mr. Savage," awarding him 4,497.50 dollars, with interest.

References: MSS. Dept. of State; Moore, II. 1855-1857; P.I., p. 617.

61. **ARGENTINE REPUBLIC and GREAT BRITAIN, in 1864.** *Results of Blockade.* Losses arose to English subjects out of a decree issued by the Argentine Government, on February 13th, 1845, prohibiting vessels from Monte Video from entering Argentine ports. It was decided by a *Protocol*, signed at Buenos Ayres *July 15th, 1864*, to submit the matter to ARBITRATION, and by a further Protocol of January 18th, 1865, also signed at Buenos Ayres, it was referred to Don José Joaquín Pérez, the President of Chili, who gave his *Award* August 1st, 1870, in favour of the Argentine Republic.

References: State Papers, XLVIII. 38; LXIII. 1027, 1173; Hertslet, *Complete Collection*, etc., XIII. 69, 211; *Tratados de la Repub. Argentina Memoria de R.E.*, 1871, p. 68; Gaspar Toro, *Notas*, etc., pp. 119, 120; Moore, V. 4916-4925; P.I., pp. 61-67.

62. **EGYPT and SUEZ CANAL COMPANY, in 1864.** *Concession Claims.* Various disputes arose connected with the Suez Canal undertaking. On the death of Saïd Pasha, his successor determined to abolish forced labour, and at the same time disputed the justice of the concession granted by his predecessor to the Canal Company. By an *Agreement* dated *April 21st, 1864*, the whole question—canal, land, and the employment of fellahs, was referred, at the request of the Viceroy, to the Emperor of the French, Napoleon III., as ARBITRATOR, by whom it was decided against the Viceroy, who was adjudged to pay a sum of three

millions and a half sterling to the Company in consideration of the privileges withdrawn by him. The *Award* was given July 6th, 1864, and was followed by a Firman of March 19th, 1868, determining afresh the concession to the Canal Company on the newly prescribed bases.

References: Nat. Encyc., "Suez Canal"; De Clercq, IX. 108; Brit. and For. State Papers, LV. 1004; Dreyfus, p. 169; Moore, V., p. 4862; P.I., pp. 122-180.

63. FRANCE and VENEZUELA, in 1864. *Personal Claims.* By a *Convention* between these Powers in 1864, provision was made for the decision, by a MIXED COMMISSION of the "claims of French subjects for expropriations, damages, and injuries of the nature of those for which, according to the law of nations, the Government of the Republic [of Venezuela] is responsible.

References: United States and Venezuelan Commission, Convention of December 5th, 1885; Opinions, pp. 308, 309; Moore, V. 4877.

64. UNITED STATES and VENEZUELA, in 1866. *Claims by citizens of the United States against the Government of Venezuela.* Many of these were of long standing, and large in amount, and some of them involved important principles of International Law.

(a)—These were in the first instance, after protracted and difficult negotiations, referred to a MIXED COMMISSION consisting of three members, one appointed by each of the Parties, and a third chosen by these two, or in default, as especially provided. This was done by a Treaty signed April 25th, 1866, and ratified at Caracas, April 17th, 1867, where the Commission met August 30th, 1867. The American Commissioner was David M. Talmage, of New York; the first Venezuelan Commissioner was Gen. A. Guzman Blanco, and his successor Mr. J. G. Vallifañe. The Umpire designated by the Russian Minister, as provided, was Mr. Juan N. Machado. The Commission decided forty-nine claims, the nominal amount of which was 4,823,273.31 dollars; it made *Awards* upon twenty-four claims, the total of *Awards* amounting to 1,253,310.30 dollars; twenty-five claims were rejected. Its last session was held August 3rd, 1868, all the claims submitted to it having been disposed of. But on February 12th, 1869, the proceedings were impeached by the Government of Venezuela for alleged fraud on the part of the Tribunal, mainly on the American side.

(b)—The protest was not at first favourably received by the American Congress, where it gave rise to much discussion, with varying results. Ultimately, on March 3rd, 1883, a Joint Resolution was adopted by the American Congress in favour of a new Mixed Commission, and by a Treaty concluded at Washington, December 5th, 1885, it was agreed to have the claims re-heard by a new COMMISSION. This Commission, composed of an American, Mr. John Little, a Venezuelan, Mr. José Andrade, and a third Commissioner, Mr. John V. L. Findlay, chosen by the other two, who was also an American, sat at Washington from September 3rd, 1889, to September 2nd, 1890. "Its proceedings were characterised by a conscientious and impartial discharge of duty." The Commission finished its labours, September 2nd, 1890. Its report bears date September 10th, 1899, and was deemed by the authorities to be a satisfactory conclusion of a delicate and difficult task.

References: Proceedings of the Commission, Washington, 1889; MSS. Dept. of State, U.S.; S.P., p. 3; 17 Stats. at L., 477; Moore, II. 1659-1692, V. 4808-4818; Treaties and Conventions, U.S., 1776-1887, p. 1140; P.I., pp. 56-61.

65. GREAT BRITAIN and MEXICO, in 1866. *Personal Claims.* These were claims against the Government of Mexico arising out of damages caused during the Civil Wars in that country. By a *Convention*, signed at Mexico June 26th, 1866, and ratified November 19th of the same year, it was agreed to refer these to a MIXED COMMISSION of four members, two appointed by each Government, with an Umpire. The result of this reference has not transpired; probably the events of 1867, and the fall of the empire of Mexico, interrupted and put an end to the proceedings.

References: Hertzslet, Complete Collection, etc., XII. 655; Brit. and For. State Papers, LVI. 7; Moore, V. 4948; P.I., pp. 68, 69.

66. **BAVARIA and PRUSSIA, in 1866.** *Claim to Art Treasures.* This proposal to arbitrate is unique, both as to its object and as to the terms of reference. Article 13 of the *Treaty of Peace* between Bavaria and Prussia, signed at *Berlin, August 22nd, 1866*, provided that, "As claims have been made on the part of Prussia to the right of Property in the Gallery of Paintings formerly at Düsseldorf, and afterwards taken to Munich, the High Contracting Powers," agree to submit those claims to ARBITRATION. "For this purpose, Bavaria will name three German Courts of Appeal, of which Prussia will specify the one that has to make the Award." The ratifications of this Treaty were exchanged at Berlin, September 3rd, 1866, but through the courtesy of Reginald T. Tower, Esq., Resident British Minister at Munich, we have ascertained that no effect was given to this article. "Before the matter was actually referred to Arbitration, an arrangement was made between the Two Contracting Parties, by which, on November 23rd, 1870, Prussia gave up all claim to the possession of the Gallery of Paintings formerly at Düsseldorf."

References: Hertele, Map of Europe, etc., III. 1715-1716; British Legation, Munich.

67. **GREAT BRITAIN and SPAIN, in 1868.** *The "Mermaid" Difficulty.* A claim was made for compensation for the loss of the schooner "Mermaid," of Dartmouth, laden with coals for Ancona, which in passing the forts of Ceuta on October 16th, 1864, was fired at and sunk. By an *Agreement* between Great Britain and Spain, signed at *Madrid, March 4th, 1868*, the claim was referred to a MIXED COMMISSION consisting of four Commissioners, two to be named by each Government from persons belonging to the Diplomatic and Naval Services, with an Umpire to be named at their first meeting, and, in case of disagreement, the person to be chosen by lot out of the two named by them. The *Decision* was given within three months from the first meeting of the Commissioners, but the result has not been announced.

References; Parl. Papers, 1868 [C. 3899], [C. 3997]; Brit. and For. State Papers, LV. 40, LVIII. 2, 1258, LXXIII. 785, LXXV. 55; Moore, V. 5016, 5017; P.I., pp. 69, 70.

68. **MEXICO and UNITED STATES, in 1868.** *Mutual Claims.* These were various claims and counter-claims which had arisen since the Peace of Guadalupe Hidalgo, in 1848. By a *Convention*, dated *July 4th, 1868*, these were referred to a MIXED COMMISSION, consisting of two Commissioners, an American and a Mexican, W. H. Wadsworth and F. G. Palacio, together with an Umpire, Dr. Francis Lieber, who died October 2nd, 1872. This Commission was appointed for a term of three and a half years, but in 1871, by a new Convention, concluded April 19th, it was prolonged to January 31st, 1873. In the interval, a new Convention, dated November 27th, 1872, prolonged for two years further the action of the Treaty of 1868; but inasmuch as this Convention was not ratified by the Mexican Congress before January 31st, 1873, it was mutually agreed to modify its terms, so as not merely to prolong but to renew the Convention of 1868. Accordingly, the revised treaty of November 27th, 1872, was ratified by both Congresses—by the U.S. Congress on March 8th, and the Mexican on April 29th, 1873. This Treaty revived the old Commission, which had ceased to act, and new Commissioners were appointed, Sir Edward Thornton, the British Minister at Washington, being chosen Umpire in succession to Dr. Lieber, the Commissioners now being Mr. M. M. de Zamacona, Mexico, and Mr. W. H. Wadsworth, who served as Commissioner for the U.S. from the first meeting to the last. On April 16th, 1874, the Umpire, Sir Edward Thornton, gave an *Award* on a typical claim out of the 366 made by Mexico for losses and injuries inflicted by the depredations of Indians, in favour of the United States. Thereupon the Commissioners filed a dismissal in each of the other 365 of these claims. The functions of the Commission were extended by a new Convention, concluded November 20th, 1874; and, as a fourth prolongation, those of the Umpire were extended still further, until November 20th, 1876, by a Convention signed April 29th, 1876. The Commissioners held their last meeting January 31st, 1876. They had then disposed of all the claims which had been submitted to them. The total number of these was 2,015, of which 1,017 were against Mexico and 998 against the United

States. Of the former, 831 were dismissed or disallowed, while Awards were made in favour of the claimants in 186 cases. Of the latter, 831 were dismissed or disallowed, while 167 were in favour of the claimants. The Umpire gave an *Award* on November 11th, 1875, in regard to the "Pious Fund of the Californias," which has since gained historical notoriety as the first to come before a Tribunal of The Hague Court. He closed his labours November 20th, 1876. Some doubt still remained in regard to two of the principal awards in favour of the United States. In reference to these, however, the Mexican *Chargé d'Affaires* in London writes to us, August 2nd, 1900:—"The United States Government has returned to Mexico, by decision of the Supreme Court, the money paid by Mexico on the cases known as La Abra and Weil." The Umpire in the case of La Abra, on December 27th, 1875, had awarded the sum of 358,791.06 dollars, with interest at 6 per cent. to the date of the final Award, which he fixed at July 31st, 1876.

References: Treaties and Conventions, U.S., 1776-1887, pp. 700, 705, 706, 707, 709; *Revue de Droit Int.*, 1875, pp. 67, 65-69; Brit. and For. State Papers, XLI. 738-751; see also XLVII-LIV. *passim*; Reclamaciones Internacionales de Mexico, etc., I. 180-376, and whole of II.; J. I. Rodriguez, La Comision Mixta, etc., Mexico 1873; Opiniones del Comisionados, etc., Washington, 1875; Comision de Reclamaciones, etc., Alegato por la Defensa ante el Hon. Arbitro; Claim of La Abra Mining Co. v. Mexico, Mexico, 1877; Sinopsis Historica de la Comision Mixta, Mexico 1877; Calvo, II. 570, 571; Mérygnac, pp. 53-56; Dreyfus, pp. 169, 170, 174; Congress Papers, U.S.; S.P., p. 3; Moore, II. 1287-1359, V. 4778-4781; P.I., pp. 70-78.

69. **GREAT BRITAIN and VENEZUELA, in 1868.** *Particular Claims*—of British subjects against Venezuelan Government, of which there were 79.

(a)—By a *Convention*, signed at Caracas September 21st, 1868, these were referred to two COMMISSIONERS, Dr. Juan de Dios Mendez and Lewis Joel, Esq., British *Chargé d'Affaires*, who were to choose an Umpire by lot, if necessary. Their *Report* was given at Caracas, November 15th, 1869. The total amount awarded was 312,587 dollars.

(b)—In December, 1902, President Roosevelt appointed Mr. Frank Plumley as Umpire on the Commissions to examine the claims made by Great Britain and Holland respectively against Venezuela, his Award to be final. His most interesting Decision, given in May, 1904, was on the British claim for 5 per cent. interest on the Awards of the Mixed Commission of 1869. Mr. Plumley decided that interest at the rate of 3 per cent. must be paid from the time the Venezuela Congress ratified the Convention, accepted the findings of the Commission, and made the first payment.

References: Hertzslet. Complete Collection, etc., XIII. 1009, 1010; Brit. and For. State Papers, LIX. 168, LXIII. 1065; U.S. and Venezuela Commission. Convention of December 5th, 1885, Opinions, p. 311; London *Times* and other Daily Papers, May 30th and 31st, 1904; Moore, V. 5017; P.I., p. 78, 79.

70. **PERU and UNITED STATES, in 1868.** *Mutual Claims.* After the termination of the Mixed Commission, which met in Lima in 1863, as narrated above, claims against Peru continued to arise, growing out of the unsettled condition of affairs in that country, aggravated by the war with Spain. These were, by a *Convention*, concluded at Lima December 4th, 1868 (ratified June 4th, 1869, and proclaimed July 6th, 1869), submitted to an ARBITRAL COMMISSION of two members and an Umpire, the latter to be chosen by agreement or lot. This Commission met at Lima, September 4th, 1869, and made Awards on twenty-three claims. The Commissioners were Mr. Michel Vidal and L. B. Cisneros; and, later, Dr. Manuel Pino was appointed a special Commissioner to act in certain cases. By a singular coincidence two Umpires were appointed, Mr. F. A. Elmore and Mr. T. Valenzuela. The Commission finally adjourned, and its *Report of Awards* was dated, February 26th, 1870, all the business before it having been disposed of. The Awards were in favour of the United States by a preponderance of 150,060 dollars, Peru receiving only 570,000 dollars.

References: Treaties and Conventions, U.S., 1776-1887, p. 872; MSS. Dept. of State, U.S.; The Records of the Commission were deposited in Lima, MS. Dom. Let. LXXXIV. 277, 845; State Papers, LIX. 268; S.P., p. 3; Moore, II. 1689-1657, V. 4788-4791; P.I., pp. 79-81.

71. **GREAT BRITAIN and PORTUGAL, in 1869.** *Disputed Territory.* The object of this Arbitration was to settle rival claims to sovereignty over the

island of Bulama, one of the Bissagos Islands at the mouth of the Rio Grande River, Senegambia, on the West Coast of Africa, and to a certain portion of territory opposite to that island, on the mainland. It was referred under *Protocol*, signed at *Lisbon, January 13th, 1869*, to the ARBITRATION of General Ulysses S. Grant, the President of the United States, whose *Award*, given April 21st, 1870, was in favour of Portugal.

References: Hertslet, *Complete Collection*, etc., XIII. 688-690; *State Papers*, LXI. 1108, 1163; *Gesta Christi*, p. 351; *Revon*, p. 813; *Kamarowsky*, p. 204; *Calvo*, II. 557; *Bellaire, Rapport sur les Arbitrages*, etc.; MSS. Dept. of State; *De Card*, p. 62; *Revue de Droit Int.*, 1874, VI. 127; *Dreyfus*, p. 170; *Moore*, II. 1909-1922, V. 4793-4795; *P.I.*, pp. 81-84.

72. GREAT BRITAIN and ORANGE FREE STATE, in 1869. *Claims and Compensation.* The former were mutual claims for thefts and other damages; the compensation was for the abandonment of lands in dispute. It was agreed by Arts. 12 and 13 of a *Convention*, concluded *February 12th, 1869*, to submit both these to Arbitration. But in regard to the latter, on July 13th, 1876, another Agreement was entered into, the Memorandum of which stated that the Earl of Carnarvon, Secretary of State for the Colonies, and President Brand, having met and fully communicated with each other, had arrived at an understanding with regard to the frontier line (Arts. 1-3), and had agreed that Great Britain should pay the sum of £90,000 sterling to the Orange Free State "in full settlement of all claims with respect to the Diamond Fields and the question of sovereignty over the lands hitherto in dispute."

References: *State Papers*, LXX. 322, 330; *Hertslet, Map of Africa*, etc., II. 814, 817-819.

73. ORANGE FREE STATE and TRANSVAAL, in 1869. *Frontier Dispute.* The object sought was the exact determination of the source of the River Vaal, which, according to the terms of the Convention of January 16th, 1852, between Great Britain and the Transvaal, should form the southern limit of the South African Republic. By an *Arbitral Agreement*, signed on *October 30th, 1869*, the determination of the frontier was referred to Gen. R. W. Keate, Lieutenant Governor of Natal. His *Award*, fixing the frontier, was given at Pietermaritzburg, on February 19th, 1870.

References: *P.I.*, pp. 589-592.

74. BRAZIL and UNITED STATES, in 1870. *Loss of Ship.* A claim was advanced against Brazil, for the loss on the Garças Reef, of the whale-ship "Canada" and her cargo, on November 27th, 1856, through the illegal interference of the Brazilian officials. It was submitted for ARBITRATION under a *Protocol*, signed at *Rio de Janeiro, March 14th, 1870*, to the British Minister at Washington, Sir Edward Thornton, whose *Award*, July 11th, 1870, was favourable to the United States. The amount awarded by him was 100,740.04 dollars.

De Clercq, IX. 108; *Congress Papers, U.S.*; *Relatorio da Reparticao dos Negocios Estrangeiros* 1870, *Annexe I*, No. 180, p. 249; *S.P.*, p. 3; *Moore*, II. 1783-1747, V. 4687-4688; *P.I.*, pp. 129-134.

75. SPAIN and UNITED STATES, in 1870. *Detention of Ship.* The steamer "Colonel Lloyd Aspinwall," was seized and detained by the Spanish authorities in January, 1870. On *May 25th, 1870*, Mr. H. Fish, Secretary of State, proposed to Mr. Lopez Roberts, Spanish Minister at Washington, that the claim be referred to two COMMISSIONERS, one selected by each Government, with power to name an Umpire, if necessary, and on June 16th, 1870, Mr. Roberts informed Mr. Fish of the acceptance by the Spanish Government of his proposition for an Arbitration. The Mixed Commission consisted of Mr. Juan M. Ceballos and Mr. John P. Williams, who selected Mr. Johannes Rösing as Umpire. The *Decision* of the Umpire, which awarded 19,702 dollars in gold, was made November 15th of the same year.

References: *Congress. Papers, U.S.*; *Moore*, II. 1007-1018; *P.I.*, pp. 154, 155.

76. AFGHANISTAN and PERSIA, in 1870. *Seistan Boundary.* This was a dispute respecting the boundaries of the Persian and Afghan territories, on the N.W. frontier of India, which had for years been the source of constant bickerings between the Shah and the Amir. The treaty of March 4th, 1857, between Great

Britain and Persia, provided that: "In case of differences arising between the Government of Persia and the countries of Herat and Afghanistan, the Persian Government engages to refer them for adjustment to the friendly offices of the British Government, and not to take up arms unless these friendly offices fail of effect." This question was so referred, and two British officers were appointed ARBITRATORS on behalf of the British Government, viz., General Goldsmid and General Pollock. The date of the Agreement is not known to us, but Major-Gen. Goldsmid left England in August, 1870, and reached Teheran on October 3rd. Difficulties had meanwhile arisen, and it was not until the following year that they proceeded to Seistan where they were joined by the other part of the Mission from India under Major-Gen. Pollock, accompanied by the Afghan Commissioner. Complications then ensued by the determined refusal of the two native Officials to meet in conference. The Arbitrator (Gen. Goldsmid) therefore withdrew to Teheran where he delivered his *Decision, August 19th, 1872*. The decision was eventually accepted on both sides. Thus was brought to a successful conclusion, "one of the most important boundary questions which our Government has had to decide."

References: *Herald of Peace* 1874, p. 25; *Encyc. Brit.*, XVIII. 658; A. C. Yate, *Afghan Boundary Commission of 1884*, p. 77; Moore, V. 5042; C. N. Aitchison, *A Collection of Treaties, Engagements, and Sanads, India, Calcutta, 1892*, X. 16, 17.

77. **KELAT and PERSIA, in 1870.** *Boundary Dispute.* The proceedings of the Persian Authorities on the frontier of Beluchistan were long a source of anxiety to the Khan of Kelat. A proposal was made in 1870 by the Shah of Persia; that as the boundaries between Persia and Kelat had not been clearly defined Commissioners should be sent to the frontier by England, Persia, and Kelat, for the purpose of settling the Boundaries. This proposal was accepted by H.M.'s Government, and in January, 1871, the Commission met on the frontiers under Major-Gen. Goldsmid, who was in the neighbourhood for the purposes of the last Arbitration. After collecting all the available information Major-Gen. Goldsmid proceeded to Teheran for the adjustment of the question. The Persian frontier as defined in a *Memorandum* by him was accepted by the Shah on September 4th, 1871. It was afterwards accepted by the other litigants and has since been generally accepted.

References: See above, particularly C. N. Aitchison; *A Collection of Treaties, Engagements, and Sanads, India, Calcutta, 1892*, X. 16, 17.

78. **SPAIN and UNITED STATES, in 1871.** *Results of Cuban Insurrection.* This Arbitration was instituted to determine claims which had arisen out of the last insurrection in Cuba, in 1868, on account of the alleged wrongs and injuries to American citizens committed by the Spanish authorities in that island. It was submitted by diplomatic *Agreement*, concluded at the United States Legation, *Madrid, February 12th, 1871*, to a MIXED COMMISSION composed of two Arbitrators, an American and a Spaniard, and an Umpire, a citizen of a third Power. This Commission met for the first time at Washington on May 31st, 1871; it adopted special rules of procedure, June 10th, 1871, and its labours were prolonged for several years. But it underwent a number of changes and vicissitudes owing to the death of its members, from which cause it had as many as four Umpires. By a *Protocol*, signed at Washington *May 6th, 1882*, its labours were extended to January 1st, 1883, but they were actually concluded December 27th, 1882, the last *Decision* of the Umpire bearing date February 22nd, 1883. By an Agreement of June 2nd, 1883, concluded between the Acting Secretary of State and the Spanish Minister, provision was made for the winding-up of the Commission and the disposition of its records. The number of claims submitted to it was 140, with a total of 30,313,581.32 dollars, of which thirty-five were allowed, and a sum of 1,293,450.55 dollars awarded.

References: N.R.G., 2me Série, I. 19; Congress Papers, U.S.; *For. Rel.*, 1871; *Stats. at L.*; *Treaties and Conventions, U.S.*, 1776-1887, pp. 1025, 1033, 1035; *Archives de Droit Int.*, 1874, p. 118; Dreyfus, p. 170; MSS. Dept. of State; S.P., p. 3; Moore, II. 1019-1058, and V. 4802-4808; P.I., pp. 184-188, 640, 641.

79. **GREAT BRITAIN and UNITED STATES, in 1871.** "*Alabama*" *Claims.* Differences arose out of the acts committed by certain vessels, prominent among them the "*Alabama*," privateer, which had been fitted

out, or armed, or equipped, in Great Britain, or in her Colonies, during the American Civil War. By the *Treaty of Washington, May 8th, 1871* (Arts. 1-11), the dispute was referred to a HIGH COMMISSION, consisting of five members, nominated by America, Great Britain, Italy, Switzerland, and Brazil, viz., Mr. Chas. Francis Adams, Sir Alex. Cockburn, Count Ed. Sclopis, Mr. Jacob Staempfli, and Viscount d'Itajuba. This Commission met December 5th, 1871, at Geneva, and on September 14th, 1872, gave its *Decision*, which awarded 15,500,000 dollars (£3,100,000) to the United States. This amount was paid to Mr. Hamilton Fish, as Secretary of State, on September 9th, 1873, and by him passed over to the Secretary of the Treasury on the same date. *This is one of the most important instances of Arbitration, and forms a distinct historical landmark.*

References: N.R.G., XX., p. 767; Cushing's *Treaty of Washington*, 1 vol., New York, 1873; Papers relating to the *Treaty of Washington*, Dept. of State, 5 vols., Washington, 1872; Dip. Cor., 1865-1868; Stats. at L. U.S.; MSS. Dept. of State, U.S.; Sumner's Works, XIII.; For. Rel., 1871-1873; *Treaties and Conventions*, U.S. 1776-1887, pp. 479-488; Parl. Papers, 1871; Supplement to the London Gazette, Oct. 4th, 1872; Hansard, 3rd Series; De Marten's *Causas Célèbres*, Ed. 1861, V.; The Official Correspondence respecting the "Alabama," 1 vol., London, 1867; Revon, p. 313, 327-337; S.F., p. 3; Mérignhac, pp. 64-91; Moore, I. 495-682; P.I., pp. 138-144.

80. GREAT BRITAIN and UNITED STATES, in 1871. *Civil War Claims.* Sundry claims by the subjects of both countries arising out of the Civil War. These were referred, by the *Treaty of Washington* (Arts. 12-17), *May 8th, 1871*, to a MIXED COMMISSION of three members, respectively appointed by Great Britain, the United States, and by the two conjointly. The Commissioners were, the Right Hon. Russell Gurney, M.P., appointed by Great Britain, Mr. Robt. Safford Hale, by the United States, and Count Louis Corti, Italian Ambassador at Washington, conjointly. The first meeting of the Commission was held in Washington, September 26th, 1871, and they sat at Washington and Newport until September 25th, 1873, when, by a *Final Award*, signed by all the Commissioners, they adjudged the United States to pay £386,000 (1,929,819 dollars) to Great Britain. The Commission had before them 478 English claims, and 19 American. They awarded indemnities only to 187 English claimants.

References: *Treaties and Conventions*, U.S., 1776-1887, pp. 484-486; N.R.G., 2me Série, I. (1876), p. 37; Hertalet, *Complete Collection*, etc., XIV. 1180; For. Rel., 1871, 1873 (part 3), 1874 and 1875; Howard's Report; Hale's Report; Dreyfus, pp. 170, 171; Kamarowsky, 171; S.F., p. 4; Mérignhac, pp. 91-98; Moore, I. 688-702, III. 2201-2211; P.I., pp. 144-148.

81. GREAT BRITAIN and UNITED STATES, in 1871. *Fishery Rights.* This Commission is known as the "Halifax Fisheries Commission." It was appointed to consider the amount of pecuniary compensation which should be paid to British subjects in consideration of the fact that the privileges accorded to the citizens of the United States in regard to the coast fisheries under Arts. 18 to 21 of the *Treaty of Washington* were of greater value than those accorded to British subjects. By Arts. 22-25 of that *Treaty, May 8th, 1871*, the question was referred to three Commissioners, one chosen by each Government and the third by the two conjointly, or as provided. The Commissioners appointed were Sir Alexander Galt, Mr. Ensign H. Kellogg, and Mr. Maurice Delfosse appointed by the Austrian ambassador. They met at Halifax, June 15th, 1877, and on the 23rd of the following November awarded 5,500,000 dollars (£1,100,000) to Great Britain, the American Commissioner dissenting and withdrawing from the Arbitration. The Award, however, was accepted, the amount voted by Congress, and on November 21st, 1878, Mr. Welsh, under instructions from the President of the United States, delivered to the British Government a draft for the amount of the Award.

References: *Treaties and Conventions*, U.S., 1776-1887, pp. 487, 488, 498, 499; Hertalet, *Complete Collection*, etc., XIV. 1185; Wharton's *Dip. Cor. Am. Rev.*, VI.; Am. State Papers, For. Rel., III. and IV.; 1870, 1871, 1872, 1873, 1874, 1875, and 1878; Senate Papers; Sabine's *Fisheries*; Papers Relating to the *Treaty of Washington*, VI. 287, 288; Doc. and Proc. of the Halifax Commission, I., II.; Parl. Papers, North America, No. I. 1878; Halifax Fisheries Commission S.P., p. 14; Mérignhac, pp. 98-100; Moore, I. 708-758, V. 4751-4755; P.I., pp. 148, 149.

82. GREAT BRITAIN and UNITED STATES, in 1871. *San Juan Water Boundary.* This was a question of the frontier between Canada and the United States, which had involved long diplomatic correspondence, dating back prior to 1803. By the Convention signed at London, October 20th, 1818, it had been decided that the line of boundary from the point of the 49th parallel of latitude, up to which it had been already ascertained, should be continued westward along the said parallel "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca Straits, to the Pacific Ocean." The dispute arose respecting this latter portion of the boundary. In 1845 the British Government proposed Arbitration, which was declined on January 3rd, 1846. After this the "Oregon Question," as it was then called, assumed a very serious aspect, threatening an actual rupture between the two countries, which was only allayed by the Treaty concluded at Washington on June 15th, 1846, and ratified in the Senate by a vote of 41 to 14. (a)—For a period of nearly ten years after the conclusion of the Treaty no effective steps were taken by the contracting parties towards ascertaining the boundary. But on August 11th, 1856, the President approved an Act providing for the appointment of a Commissioner, etc., to co-operate with similar officers to be appointed by the British Government. Thus the question was referred to a JOINT COMMISSION, the members of which, Archibald Campbell and Lieut. John G. Parke, for the United States, and Captains James C. Prevost and Henry Richards, R.N., for Great Britain, were appointed early in 1857. The Commissioners met on June 27th, 1857, and held six formal meetings, the last of which was on December 3rd, 1857, when they finally disagreed and dissolved. (b)—Nothing more was done until 1871, when by Articles 34-37 of the *Treaty of Washington*, on May 8th of that year, the question was referred to the Emperor of Germany as ARBITRATOR, whose *Award*, given at Berlin, October 21st, 1872, sustained the American claim.

References: Bancroft's History of Oregon, and History of the N.W. Coast; Benton's Thirty Years' View; Greenhow's History of Oregon and California; Twiss's Oregon Territory; Gallatin's Oregon Question; Curtis's Life of James Buchanan; Maine's Int. Law; Northend's Life of Elihu Burritt, pp. 25-27; Webster's Works, etc.; Brit. and For. State Papers, L. 609, 796, LV. 743, 1211, 1284, LVI. 1406-1410, LIX. 21, LXII. 188, etc.; Parl. Papers, North America, 1878; Am. State Papers For. Rel., I. 852-856, II. 584, III. 90-97, 165, 185, IV. 377, etc.; Papers Relating to Treaty of Washington, V. 19, 27-38, 255-268, 268-271, etc.; Calvo II. 558; Dreyfus, p. 171, 172; N.R.G., XX. 775; Treaties and Conventions, U.S., 1776-1887, pp. 491-493; S.P., p. 4; Mérygnac, pp. 100-102; De Card, pp. 86-90; Moore, I. 196-236, V. 4756; P.I., pp. 149-151.

83. BAROLONG, BATLAPINS, GRIQUAS and TRANSVAAL, in 1871. *Boundary Rights.* This was a question as to the ownership of a small district between the Modder and Vaal rivers (where the town of Kimberley now stands) in which diamonds had been discovered, and also of "a territory of immense extent claimed by the Baralong of Montsiwa and other clans on the West." (a)—In 1871, Mr. M. W. Pretorius, President of the Transvaal, and the British High Commissioner for South Africa, arranged that it should be settled by Arbitration. An ARBITRATION COURT, to which each party appointed a representative, was formed with Lieut. General Keate, Governor of Natal, as final Umpire. The proceedings of the Court were opened at the little village of Bloemhof, on the northern bank of the Vaal. The Free State, however, was not represented in the Court. As the Arbitrators could not agree on their *Award*, the Umpire, Governor Keate, gave judgment against the Transvaal, October 17th, 1871, and also "gave to the tribes their independence and the territory they claimed, and even took from the Government at Pretoria a large district that had been occupied by white people ever since the great emigration." He awarded the tract in dispute to the Griqua Claimant, Waterboer, including in his *Award* the part claimed by the Orange Free State, which had refused Arbitration. (b)—The Free State, whose Case had not been stated, much less argued, before the Arbitrator, protested, and was after a time able to appeal to a judgment delivered by a British Court, which found that Waterboer had never enjoyed any right to the territory. Meanwhile, before the *Award*, Waterboer had offered his territory to

the British, and the country was forthwith erected into a Crown colony under the name of "Griqualand West." The British Government, therefore, without either admitting or denying the Free State title, declared that a district in which it was difficult to keep order amid a turbulent and shifting population ought to be under the control of a strong Power, and offered the Free State a sum of £90,000 in settlement of whatever claim it might possess. The acceptance by the Free State, in 1876, of this sum closed the controversy. (See No. 72.)

References: Hertelet, *Map of Africa*, etc., II., 840-845; J. Bryce, *Impressions of South Africa*, 3rd Ed., 1899, pp. 144, 145, 153; F. W. Reitz, *A Century of Wrong*, p. 26; G. McCall Theal, *South Africa, Story of the Nations*, pp. 824-839.

84. **BRAZIL** and **NORWAY** and **SWEDEN**, in 1871. *Damage to Ship*. On April 5th, 1870, the Brazilian Monitor *Para*, had run foul of the Norwegian barque *Queen*, in the port of Assomption; and an indemnity was claimed of £530. 10s. By an *Exchange of Letters* dated August 12th, 1871, it was agreed to submit the case to the ARBITRATION of the Spanish Minister to Brazil. By an *Award* given on March 26th, 1872, the Arbitrator pronounced in favour of Brazil, and declared the claim to be without foundation.

References: *Relatorio da Reparticao dos Negocios Estrangeiros*, 1872, pp. 669-685; P.I., pp. 155, 156.

85. **CHILI** and **PERU**, in 1871. *Common Expenses*. When the War of Independence took place against Spain in 1865, Peru and Chili combined their naval forces, and by a Treaty of offensive and defensive alliance, signed at Lima, on December 5th, 1865, they agreed (Art. 4) that at the termination of the war both Republics should nominate two Commissions, one on each side, to make the necessary financial settlement. In the course of this settlement differences arose which the two Governments decided to submit to Arbitration. This was done by a *Protocol*, signed at Lima, September 27th, 1871, by which it was agreed to appoint Senor D. Felix Frias, the Argentine Minister to Chili, as ARBITRATOR. He, however, declined to act, as did also the German Minister. Whereupon, by a *Protocol*, signed at Lima, March 2nd, 1874, the United States Minister, Mr. C. A. Logan, was invited to act as Arbitrator, and accepted the invitation. His *Award*, rendered at Santiago April 7th, 1875, condemned Peru to pay to Chili the sum of 1,130,000 dollars.

References: Peru, *Collecion de los Tratados*, IV. 110, 114; Am. State Papers For. Rel. 1875-6, I. 188-199; MSS. Dept. of State; Dreyfus, p. 177; Revon, p. 315; *Annuaire de l'Inst. de Droit Int.*, 1877, p. 245; Gaspar Toro, *Notas*, etc., pp. 129, 130; Moore, II. 2085-2105; P.I., pp. 156-167.

86. **BRAZIL** and **PARAGUAY**, in 1872. *Damages during War*. On the conclusion of Peace between Brazil and Paraguay, it was agreed that claims against the latter, for private losses and destruction of public property during the late war, should be submitted to a MIXED COMMISSION, consisting of two judges and two Arbitrators. The terms of the reference were settled by Arts. 3 to 6 of the *Definitive Treaty of Peace*, signed at Ciudad de la Asuncion, January 9th, 1872, and completed by an additional protocol of January 24th, 1874. The Commission met on December 16th, 1872, and sat until July 30th, 1881. It passed judgment on 805 claims, awarding 17,919,702 Reis 185, instead of 27,831,346 Reis 303.

References: *Relatorio da Reparticao dos Negocios Estrangeiros*, 1872, p. 286; 1874, p. 488; 1882, p. 152; P.I., pp. 167-170.

87. **GREAT BRITAIN** and **PORTUGAL**, in 1872. *Disputed Territory*. This was a dispute, which had lasted since 1823, about various territories and islands situated on Delagoa Bay, including those formerly belonging to the Kings of Tempe and Mapoota, and the islands of Inyack and Elephant. It was referred, by a *Protocol*, signed at Lisbon, September 25th, 1872, to M. Thiers, the President of the French Republic. His successor, Marshal MacMahon, by his *Award*, on July 24th, 1875, decided that the Portuguese title was established to all the territories in question. The decision was mitigated by a

provision, contained in the Agreement for Arbitration, that the Power against whom the decision might go, should have thereafter from the successful Power a right of pre-emption as against any other State desiring to purchase the territory.

References: Parl. Papers, 1875, *Delagoa Bay*; N.R.G., 2me Série, III. 517: *Annuaire de l'Inst. de Droit Int.*, II. (1878) 270; *Kamarowsky*, *Le Trib. Int.*, p. 206; *De Card*, pp. 100-104; *Calvo*, II. 557, 558; *Mérignhac*, pp. 108, 104; *Revon*, pp. 316, 317; *De Clercq*, XI. 40, 360; *Dreyfus*, p. 172; *Revue de Droit Int.*, 1878, p. 169; *Pandectes Françaises*, No. 80; *Moore*, V. 4984, 4985; P.L., pp. 170-173.

88. BOLIVIA and CHILI, in 1872. *Mining Operations.* By the terms of a Treaty, concluded August 10th, 1866, the boundaries of the two States were fixed at the 24th degree of south latitude. Notwithstanding this, the ores of the districts between 23 and 25 degrees South were worked for the common benefit, and this gave rise to legal disputes. Two Conventions were signed at *La Paz*, on *December 5th*, 1872, and at *Sucre*, on *August 6th*, 1874, creating an Arbitration Commission to deal with such questions. This Commission was to consist of two members, with final recourse, if necessary, to a third Arbitrator, who should be nominated by them, or, in default of that, by the Emperor of Brazil. Unfortunately, the war which broke out between Bolivia and Chili, 1879-1884, interfered with the carrying out of both agreements. After the war the districts in question were ceded to Chili.

References: *Gaspar Toro*, *Notas*, etc., p. 98; *Memoria de relaciones exteriores (Chili)*, 1873, p. 346; *Vease*: *Memoria de R. E., Santiago*, 1879; *Recopilacion de Tratados y Convenciones*, 1894, II. 102; *Tratados de Chili*, II. 101, 104; *Tratados del Peru*, IV. 131-301; P.L., pp. 220, 221.

89. COLOMBIA and GREAT BRITAIN, in 1872. *Pecuniary Claims.* These were advanced by a British firm of merchants (*Cotesworth & Powell*, of London) against Colombia, arising out of alleged maladministration of justice between the years 1858 and 1860. By a *Convention*, signed at *Bogota*, *December 14th*, 1872, they were referred to a MIXED COMMISSION, consisting of two Members, one named by each party, with power to choose an Umpire. This Commission was organised at *Bogota* in the early spring of 1873, and consisted of *Dr. Schumacher*, German Resident, and *Dr. Ancizar*, both of *Bogota*. A new Commission, owing to removal and resignation, was rendered necessary, and appointed, consisting of *Mr. Scruggs*, the Minister of the United States at *Bogota*, and *Ex-President General Salgar* with the *Hon. Casimir Troplong (Fr.)*, as Umpire. The case involved important principles. The Arbitrators agreed in an *Award* of 50,000 dollars against Colombia; the Commission closed its labours on *November 5th*, 1875, and its decision and *Award*, which was published in the *Diario Oficial* of *Bogota*, *December 18th* and *21st*, 1875, was signed by both Commissioners.

References: *Dreyfus*, p. 176; *De Card*, p. 164; *Cuaderno*, III., VI.-XII.; *Codigo de Comercio*, 1858; *For. Rel.*, U.S. 1875; *MSS. Dept. of State*; *Annuaire de l'Inst. de Droit. Int.*, 1877, p. 227; *Moore*, II. 2050-2085; V. 4697, 4698; P.L., pp. 173-189.

90. BRAZIL and GREAT BRITAIN, in 1873. *Naval Services.* This Arbitration arose out of a Claim advanced by the Earl of Dundonald against the Brazilian Government, for services which his father, Admiral Lord Cochrane, had rendered to Brazil during her War of Independence. The two Governments being unable to agree, the British Minister proposed Arbitration on *January 11th* and *30th*, 1873. The Brazilian Government, by a note to the British Legation, *April 22nd*, 1873, accepted the proposal, and suggested the United States and Italian Ministers at *Rio de Janeiro*, *Mr. James R. Partridge* and *Baron Cavalchini*, with power to name an Umpire in case of difference, as an ARBITRAL COMMISSION. On *October 6th*, 1873, at *Rio de Janeiro*, the Arbitrators gave their *Decision*, and awarded the Earl of Dundonald £38,675.

References: *Relatorio da Reparticao dos Negocios Estrangeiros*, 1874, pp. 486, 456-470; *MSS. Dept. of State*; *For. Rel.*, 1874, pp. 70-73; *Dreyfus*, p. 173; *Archives de Droit Int.*, 1874, p. 118; *Gaspar Toro*, pp. 120, 121; *Revon*, p. 314; *Moore*, II. 2107, 2108; P.L., pp. 189-197.

91. JAPAN and PERU, in 1873. *Detention of Ship.* This was the seizure, on *July 10th*, 1872, of the Peruvian barque, "*Maria Luz*," engaged in

the Coolie trade, in the Japanese port of Kanagawa, and the liberation as slaves of those on board. The dispute was getting embittered when it was referred, by two *Protocols*, drawn up by common consent in quadruplicate, at Tokio (Yedo), on June 19th and 25th, 1873, to Alexander II., the Emperor of Russia, whose *Decision*, given at Ems on May 17th, 1875, was in favour of Japan.

References: For. Rel. U.S., 1873, I. 524-558; 1874, 617; 1875; Dreyfus, p. 173; N.R.G. 2me Série, III. 516; Memoria de R. E., Lima, 1874, p. 55; De Card, pp. 109-112; De Martens, *Traité de Droit Int.*, II. p. 339; Archives Diplomatiques, 1874, p. 117; Kamarowsky, *Le Trib. Int.*, p. 192; Annuaire de l'Inst. de Droit Int., 1877, p. 353; Gaspar Toro, *Notas*, etc., pp. 122, 128; Revon, p. 316; Mérignhac, pp. 110, 111; Pandectes françaises, No. 84; Moore, V. 5084-5086; P.I., pp. 197-199.

92. **FRANCE and GREAT BRITAIN, in 1873.** *Customs Duties.* Certain questions arose concerning duties levied in France on British Mineral Oils, imposed by a Treaty of Commerce, signed at Versailles, July 23rd, 1873. By Art. 4 of the same Treaty, the amount of indemnity to be paid in consequence of its provisions was referred to a JOINT COMMISSION (Messrs. C. M. Kennedy and J. Ozenne), with power to name an Umpire. The *Award* of the Commission, without reference to the Umpire, was given in Paris, January 5th, 1874, and adjudged to British claimants 314,393.33 francs.

References: De Clercq, XI. 77; Parl. Papers [C. 913]; Brit. and For. State Papers, LXIII. 207-213, LXV. 426-434; Moore, V. 4938, 4959; P.I., pp. 199-201.

93. **CHILI and the UNITED STATES, in 1873.** *Detention of Ship.* On May 21st, 1832, the whaling ship "Good Return" put into Talcahuano in distress. Under a charge of smuggling tobacco she was detained till October 27th, 1832, a period of five months, when she was allowed to proceed on her voyage. On August 23rd, 1833, a claim was made by the United States Government against Chili. For many years the claims do not appear to have been pressed, but in 1854, a settlement of them was sought by the United States. Correspondence followed until 1873, when, on December 6th, a *Convention* was concluded at Santiago for the submission of the case to the ARBITRATION of Mr. Carl F. Levenhagen. He was compelled to resign on account of ill-health, and by an Additional Act signed at Santiago, May 4th, 1874, Mr. C. F. Sanminiatielli, Italian Chargé d'Affaires at Santiago, was substituted as Arbitrator. Authority was given by a Law of July 18th, 1874, to settle the claim at once by payment of a lump sum, and on December 18th, 1874, an *Agreement* was concluded at Santiago for the payment of 20,000 dollars in Chilian gold, and a draft for that sum was handed to the Minister of the United States.

References: Recopilacion de Tratados y Convenciones de Chili, 1874, II. 81-87; Memoria de R. E., 1875, p. 21; MSS. Dept. of State, U.S.; Véanse, Boletín de las Leyes, 1859, XXVIII. 74; Gaspar Toro, *Notas*, etc., pp. 121, 122; Moore, II. 1466-1468; P.I., pp. 221, 222.

94. **ITALY and SWITZERLAND, in 1873.** *Frontier Question.* This was a disputed boundary between the Swiss Canton of Ticino and Italy, which involved the ownership of the Alp of Cravairola. By a *Convention* signed at Berne, December 31st, 1873, it was referred to a MIXED COMMISSION of two members, with the Hon. George P. Marsh, the United States Minister at Rome, as Umpire, who, on September 23rd, 1874, by an *Award* given at Milan, decided in favour of Italy. The President of the Swiss Confederation and the Italian Minister at Berne, signed a Protocol to carry the *Award* into effect on May 17th, 1875.

References: N.R.G., 2me Série, VIII. 560, XX. 214; Dreyfus, pp. 172, 173; Recueil officiel des lois Suisses, XI. 516; Moore, II. 2027-2049; State Papers, LXVI. 630; Hertslet, Map of Europe, etc., IV. 3236; MSS. Dept. of State, U.S. For. Rel., 1875, II. 749-754; P.I., pp. 201-209.

95. **COLOMBIA and UNITED STATES, in 1874.** *Seizure and Detention of Ship.* This involved claims for damages against Colombia for the capture and use, for revolutionary purposes, of the American steamer "Montijo," April 6th, 1871, in Colombian waters, by insurgents in the State of Panama. It was referred to a MIXED COMMISSION, which consisted of Mr. Bendix Koppel and Mr.

Mariano Tanco, appointed under an *Agreement of Arbitration of August 17th, 1874*. Mr. Robert Bunch, the English Minister at Bogota, was chosen Umpire, by whom, July 26th, 1875, the sum of 33,401 dollars was *awarded* to the United States, and paid, Mr. Scruggs, the Minister Resident of the United States at Bogota, being "congratulated by his Government on the results of the Arbitration."

References: For. Rel., U.S., 1875, 1876, p. 427; Dreyfus, p. 174; De Card., p. 168; Revon, p. 315; *Annuaire de l'Inst. de Droit Int.*, 1877, p. 212; Brit. and For. State Papers, LXIV. 402-422; MSS. Dept. of State, U.S.; S.P., p. 4; Moore, II. 1421-1447, V. 4698, 4699; P.I., pp. 209-220.

96. **CHINA and JAPAN, in 1874.** *Personal Indemnities.* This claim arose from the murder of Japanese citizens by Chinese, in the Island of Formosa. The two Governments were on the point of appealing to arms, when the Cabinets of London and Washington induced them to have recourse to ARBITRATION, and the dispute was referred to Sir Thomas F. Wade, the British Minister at Pekin. On October 31st, 1874, Mr. Wade *awarded* an indemnity of 100,000 taels to be paid by China, as reparation for the outrage. This was accepted, and by a Treaty of the same date, for the evacuation of the Island, provision was made (Art. 2) for carrying out the Award.

References: *Herald of Peace*, 1875, pp. 232, 233; Revon, p. 315; Calvo, II. 557; Dreyfus, pp. 176, 177; *Annuaire de l'Inst. de Droit Int.*, 1877, pp. 318-320; Moore, V. 4857.

97. **CHILI and GREAT BRITAIN, in 1875.** *Loss of a Ship.* The loss of the ship "Tacna," due to improper deckloading, was attributed to the local authorities in Valparaiso. The matter came before a Naval Court, which was composed of H.B.M.'s Consul at Valparaiso and five other members, assembled at the British Consulate in that city, and continued every day afterwards (Sunday excepted) to March 21st, 1874, and both the Captain, John Hyde, and the shore authorities of the P. S. N. Co. were censured. Mr. Rumbold, British Minister in Chili, demanded the release of Captain Hyde, and an indemnity of £25,000 for wrongful imprisonment. He was afterwards permitted to leave the country and an indemnity was promised. On June 3rd, 1875, the British Government accepted the offer of the Chilean Government to submit the affair of the "Tacna" to ARBITRATION. The Emperor of Germany was chosen Arbitrator, but what further was done we do not know.

References: Parl. Paper, 278, July 10th, 1874; *Annals of Our Time*, 1874, p. 2; *Annuaire de l'Inst. de Droit Int.*, p. 267; U.S. For. Rel., 1875-1876, p. 199; P.I., p. 617.

98. **ARGENTINE REPUBLIC and PARAGUAY, in 1876.** *The El Chaco Boundary.* The object of this Arbitration was to settle the title to the Middle Chaco lying between the Rio Verde, on the North, and the Pilcomayo, on the South, and containing the historic town of Villa Occidental. The question was referred, by the *Treaty of Limits* between the two Republics, of February 3rd, 1876, to the President of the United States as ARBITRATOR. The *Decision* of President Hayes was given November 12th, 1878, in favour of Paraguay. On August 1st, 1879, Don José S. Decond, Paraguayan Minister for Foreign Affairs, addressed a note to Mr. Ewart, United States Foreign Minister, stating that the Paraguayan Congress had, on the recommendation of the President, by formal vote, given the name of "Villa Hayes" to "Villa Accidental."

References: Calvo, 4th Edit., III. p. 440; De Card, pp. 90, 91; *Collecion de tratados celebrados por la Republica Argentina*, III. 18-88; Moore, II. 1928-1944, V. 4788-4785; P.I., pp. 228-225; Brit. and For. State Papers, XLVI. 1805, LV. 83, LXIII. 322, 323; Véanse, *Memoria de R.E.* (Buenos Ayres), 1874; *Relatorios Brasilenos de Negocios Estranjeros*; For. Rel., U.S., 1877, 1878; Appendix and Documents annexed to the Memoir filed by the Minister of Paraguay, etc., New York, 1878; Gaspar Toro, pp. 167-169.

99. **GREATER BRITAIN: CANADA and ONTARIO, in 1878.** *Boundary of the Province of Ontario.* Messrs. Robert A. Harrison, Edward Thornton, and F. Kincks "having been appointed by the Governments of Canada

and Ontario, as ARBITRATORS, to determine the Northerly and Westerly boundary of the Province of Ontario," they completed their work and gave their *Award* at Ottawa, in the province of Ontario, August 3rd, 1878, duly signed by the three Arbitrators, by which they "do hereby determine and decide that the following are and shall be such boundaries, that is to say," (description follows).

References: Brit. and For. State Papers, LXIX. 299, 300; Moore, V. 4966, 4967.

100. **GREAT BRITAIN and LIBERIA, in 1878.** *Boundary Question.* An effort, which began several years previously, for the ARBITRATION of a boundary dispute between Great Britain and Liberia, came to an unsuccessful end in 1879. As early as 1871 the United States was asked to appoint an Arbitrator in the matter. In 1878 (precise date unknown) Commodore Schufeldt was named. He arrived at Sierra Leone January 19th, 1879. The investigation began, but the Commissioners were unable to reach an agreement as to the submission of the matter to the Arbitrator, and Commodore Schufeldt, after a lengthened detention in the neighbourhood of Sierra Leone, was compelled to depart, leaving his mission unfulfilled. The boundary was determined by the Anglo-Liberian Agreement of November 11th, 1885, but the actual delimitation was not undertaken until 1902.

References: For. Rel., U.S., 1871, p. 487; 1879, p. 717; MSS. Dept. of State, U.S., 1871 and 1879; Statesman's Year Book, 1901, p. 829; Moore, V. 4948.

101. **GREAT BRITAIN and NICARAGUA, in 1879.** *Sovereignty over the Mosquito Indians.* The question, in dispute was the interpretation of certain Articles of the Treaty of Managua, signed on January 28th, 1860. It was referred to the Emperor of Austria, as ARBITRATOR, who appointed Herr Ungar, an Ex-Minister, and two Presidents of the Court of Cassation (Herr Schmerling and Herr Mailath) to act as Assessors. The exact date of reference is unknown to us. The Emperor's *Award* was given at Vienna, July 2nd, 1881, in favour of Great Britain. This *Award*, however, and the accompanying opinion have become obsolete, because of the formal and voluntary incorporation of the Mosquito Indians in the Republic of Nicaragua.

References: State Papers, LXXII. 1212; Dreyfus, p. 178; For. Rel., U.S. 1894, App. I., 354-363; Gaspar Toro, pp. 123, 124; Staatsarchiv., XL. Nos. 7660-7663; Revue de Droit Int., 1884, XVI. 99; Moore, V. 4954-4966; P.I., pp. 885-893.

102. **FRANCE and NICARAGUA, in 1879.** *Case of the "Phare."* This arose from the alleged illegal seizure, in the Port of Corinto, November 22nd, 1874, from a French ship (the "Phare") of cases of arms presumed to be for the use of the revolutionary party in Nicaragua. The difference was, on the proposal of the Government of Nicaragua, referred, by an *Arbitration Convention* between France and Nicaragua, signed at Paris, October 15th, 1879, to the French Court of Cassation, which, on July 19th, 1880, adjudged that State to pay 40,320 francs, with interest at 12 per cent. per annum, from November 30th, 1874, the date of the last act of seizure.

References: De Card, pp. 112-123, 236-242; Calvo, II. 569; Dreyfus, 174; Revon, p. 318; Kamarowsky, p. 197; Revue de l'Inst. de Droit Int., 1879, p. 445; Annuaire, de l'Inst. de Droit Int., 1880, I. 415; De Clercq, XII. 489, 490, 585; Journal Le Droit, 6 Aout, 1880; Mérignhac, pp. 111-117; Pandectes Françaises, No. 89; Répertoire gen. du Droit Fr., No. 96; De Martens, p. 141; Gaspar Toro, Notas, etc., p. 123; Seijas, II. 517; Moore, V., 4870-4878; P.I., pp. 225-227.

103. **FRANCE and UNITED STATES, in 1880.** *Mutual Claims.* These were claims for compensation for injuries sustained by subjects of both Powers during the Mexican War of 1863, the American Civil War, and the Franco-German War of 1870-1871. By a *Treaty*, concluded January 15th and ratified June 23rd, 1880, these claims were referred to three COMMISSIONERS, one each appointed by the two Governments, viz., Mr. Asa O. Aldis and M. L. de Geoffroy, who was succeeded, May 24th, 1883, by M. A. A. Lefavre, and the third, the Baron de Arinos, appointed by the Emperor of Brazil. The labours of this Commission (which sat in Washington from November 5th, 1880, to March 31st, 1884), not being terminated within the prescribed limit of two years, an extension of time (to

April 1st, 1884), was granted by successive Conventions of July 19th, 1882, and February 8th, 1883, and its labours were continued until the claims were adjusted. Its final *Award* was given, and its labours closed, March 31st, 1884. The Awards against the United States amounted to 625,566.35 dollars, and those against France to 13,659.14 francs.

References: Calvo II. 561, 562; N.R.G., 2me, Série VI. 498, IX. 700; Treaties and Conventions, U.S., p. 360; Congress Papers, U.S.; De Card, 164, 165, 243-248; Dreyfus, 177, 178; De Clercq, XII. 519, XIV. 42, 183; Annuaire de l'Inst. de Droit Int., 1883, p. 290; Revue de l'Inst. de Droit Int., pp. 229, 457; Stats. at L.; S.P., p. 3; Moore, II. 1133-1184, V. 4715-4720; P.I., pp. 227-231.

104. **GREECE and TURKEY, in 1880.** *Question of Territory.* The 13th Protocol of the Congress of Berlin, July 5th, 1878, recorded the opinion of the Powers on the rectification of the Turco-Greek frontier. Article 24 of the Treaty of Berlin, July 13th, 1878, provided that "in the event of the Sublime Porte and Greece being unable to agree upon this rectification" the six Great Powers "reserve to themselves to offer their mediation to the two Parties to facilitate negotiations." On June 11th, 1880, an *Identical Note* was addressed to the Porte, in which it was informed that the Representatives of the Powers accredited to the Emperor of Germany would meet at Berlin, on the 16th of the month, "in order to decide by a majority of votes, and with the assistance of officers possessed of the necessary technical knowledge, the line of frontier it will be best to adopt." The Technical Commission, on which Great Britain was represented by General Sir Lintorn Simmons and Major Ardagh, sat on June 19th, 21st, and 22nd, and reported on the 25th. The Conference met and gave its *Award* on July 1st, 1880. In a Collective Note of July 15th "the Decision of the Conference at Berlin as to the New Turco-Greek Boundary was announced to both Governments. On July 16th, 1880, the Greek Government replied accepting the Award. The Porte replied on July 26th, 1880, explaining the reasons why it was unable to accept the frontier line of the Award, and it was not adopted. The line as ultimately agreed upon was described in the Treaty of May 24th, 1881. The decision of the Powers, however, was virtually given effect to in a Treaty between Turkey and Greece, executed "under pressure of the Great Powers," June 14th, 1881, by which the territory detached from Turkey, consisting of Thessaly and a part of Epirus, was ceded to Greece. This was really a case of compulsory Arbitration, involving, as it did, an actual decision, and not merely one of Mediation, as contemplated by Art. 24 of the Treaty of Berlin.

References: Prot. No. 13, Parl. Papers 1878; 1878, Turkey No. 44; 1879, Greece No. 1, pp. 176-178; 1880 Turkey No. 9; 1881, Greece Nos. 6 and 7; State Papers, LXXI. 1015, LXXI. 661-699, LXXII. 405, 526, 527; N.R.G., 2me Série, III. 449, VI. 1-95, 753; Moore, V. 5042, 5043; T. E. Holland, 25-27, 277; Statesman's Year Book, 1898, p. 646; Hertalet, Map of Europe, etc., IV. 2726, 2749, 2750, 2852, 2853, 2941-2943, 2958, 2959, 2961, 2962, 2963-2965, 2967-2973, 3035-3062.

105. **HONDURAS and SALVADOR, in 1880.** *Boundary Question.* This Arbitration had for its object the settlement of the frontier between Opatoro and Coloros, Santa Elena or Cúguara and Arambala, and Perquin and San Fernando. By a *Convention*, signed December 18th, 1880, it was agreed to refer the question for settlement to an ARBITRATOR chosen by both parties. The Arbitrator thus chosen was Don Joaquim Zavala, President of the Republic of Nicaragua. The necessary documents, however, were not submitted to him until after the period fixed in the Agreement, and the Arbitrator expressed an opinion that his powers should be extended. This apparently was not done.

References: Algunos datos sobre Tratados de Arbitraje, p. 28; P.I., p. 647.

106. **COLOMBIA and COSTA RICA, in 1880.** *Boundary Question.* This dispute dated back to the Treaty of Confederation between Colombia and the Central American Republic, signed March 15th, 1825, of which the ratifications were exchanged at Guatemala, June 17th, 1826. Subsequent Treaties on the subject between Colombia and Costa Rica, of which there were nearly a dozen, were not ratified.

(a)—By a *Convention*, signed at San José, December 25th, 1880, and ratified at Panama, December 9th, 1881, the question was referred to the King of the

Belgians, as ARBITRATOR, or, failing him, to the King of Spain or the President of the Argentine Republic. The Convention has this clause: "It is hereby agreed, and formally stipulated, that the question of limits, &c., shall never be decided by other means than those of Arbitration, as civilisation and humanity require." The King of the Belgians declined to act; the King of Spain, Alphonso XII, consented. His Majesty dying in 1885, an additional Treaty on the subject was concluded at *Paris, January 20th, 1886*, and the office of Arbitrator was accepted by the Queen-Regent of Spain on behalf of His Majesty Alfonso XIII. The Arbitration lapsed, however, owing to a dispute between the contracting parties as to the time within which their cases were to be presented.

(b)—Negotiations were afterwards undertaken for a new Treaty of Arbitration, which was signed at *Bogota, November 4th, 1896*. Under this Treaty it was decided to refer the matter to the ARBITRATION of the President of the French Republic. President Faure signified his acceptance of the office of Arbitrator on June 17th, 1897. A Commission, consisting of Messrs. Roustan (Ex-Ambassador at Madrid), President Delavaud, Fouques-Dupart (Secretaries of Embassy), and Gabriel Marcel et de Lachapelle (Secretary), was appointed by the President to examine all documents relative to the litigation, and held its first meeting October 2nd, 1897, at the Quai d'Orsay. On the report of this Commission, M. Emile Loubet, the President of the Republic, gave his *Award* at Paris, September 11th, 1900, fixing the frontier.

References: *Anales Diplomáticos y Consulares de Colombia*, 1901, I. 269, 463-489, II. 113; *Memoria de Relaciones exteriores, Costa Rica*, 1885, 1886, 1897, p. 43; *Journal Officiel de la République Française*, 1900, p. 6184; *For. Rel., U.S.*, 1881, 71, 711, 870, 1057; 1893, 202, 266, 270, 273-275; 1894, 180, 185; *Les deux Amériques* Sep. 1, 1900; P. I. Cadena, *Colección de Tratados Públicos, etc.*, Bogota, 1883, I. 9; *Tratados de Costa Rica*, I. 871, II. 291; Don M. M. de Peralta, *Costa Rica y Colombia de 1573 á 1881*, Madrid, 1889; Romero Giron, *Complemento, Apéndice V.*, 1897, p. 519; *Memoria de R. E. de Costa Rica*, 1898, p. xx.; M. R. Poincaré, *Cuestión de Límites entre Colombia y Costa Rica*, Sevilla, September 8th, 1899; *Le Matin et Le Journal*, September 15th, 1900; Gaspar Toro, *Notas, etc.*, pp. 149-153; *Brit. and For. State Papers*, XCII. 1084-1040; Moore, V. 4867; P.I., pp. 893-397.

107. **HOLLAND and ST. DOMINGO, in 1881.** *Confiscation of Ship and Imprisonment.* This case arose from the alleged illegal seizure and confiscation of a Dutch brig, "Havana Packet," in September, 1877, and the imprisonment of some of the crew by the Dominican authorities at Monte Christo, on the charge of having on board illegally arms and munitions of war. By an *Agreement* signed at *The Hague, March 26th, 1881*, it was referred to the ARBITRATION of M. Grévy, the President of the French Republic, who, by his *Award* given at Paris, March 16th, 1883, condemned the Dominican Government to pay an indemnity of 140,000 francs.

References: Calvo, II. 560; Dreyfus, 179; De Card. 123, 124; Revon, p. 317; Kamarowsky, p. 198; Carlos Testa, *Le Droit Public Int. Maritime*; *Annuaire de l'Inst. de Droit Int.*, 1883, p. 290; Gaspar Toro, *Notas, etc.*, p. 123; Moore, V. 5086, 5081; P.I., pp. 240-242.

108. **GREAT BRITAIN and the SOUTH AFRICAN REPUBLIC, in 1881.** *Mutual Claims*—for losses sustained in the late war. By Articles 6 to 9 of the *Convention* concluded at Pretoria, August 3rd, 1881, these were referred to a JOINT COMMISSION consisting of the Hon. George Hudson, the Hon. Jacobus Petrus de Wet, and the Hon. John Gilbert Kotze; the decision of the said Commissioners, or of a majority of them, to be final; the Rules of Procedure to be followed are set forth in regard to the claims; provisions are also made for their payment and that of the interest on them; and the proportionate share of the costs is to be paid by the two Governments according to the amount awarded against them. The Commission met in the month of December, 1881, and finished its work in the following April. Its proceedings have not been published, but, from a Report made by the British Resident at Pretoria, it transpires that its *Awards* against the Transvaal amounted to £140,839. 10s. 11d.

References: *State Papers*, LXXII. 900; Hertalet, *Complete Collection, etc.*, XV. 401-418; N.R.G., 2me Série, VIII., 1883, 212; *Parl. Papers* [C. 3381], pp. 104, 106 [C. 3419], p. 18; J. Bryce, *Impressions of South Africa*, pp. 480-487; Reitz, *A Century of Wrong*, pp. 182, 183; Hertalet, *Map of Africa, etc.*, II. 841; P.I., pp. 281-283.

109. **BASUTOLAND and CAPE COLONY, in 1881.** *Tribal Revolt.* A revolt of the Basutos, or Mountain Bechuanas, against Cape Colony, to which their country had been annexed August 11th, 1871, took place, under the Chief Moirosi, in 1879, mainly owing to a Disarmament Act, although the Cape Government also proposed to confiscate the territory of offenders. Almost the whole tribe of Basutos rose in arms, and the Cape forces were unable to reduce them. But in 1881 they made overtures, and submitted to the ARBITRATION of the High Commissioner. Eventually the obnoxious Act was repealed, and confiscations and fines were not enforced, but the Basutos objected to be ruled by Cape Colony; they were separated by the Disannexation Act of 1883, and on February 2nd, 1884, by an Order in Council, Basutoland was made a Crown Colony, which it has since remained.

References: Hazell's Annual, 1888, p. 41; Hertslet, Complete Collection, etc., XVII. 11; Id., Map of Africa, etc., I. 881-882.

110. **COLOMBIA and VENEZUELA, in 1881.** *Boundary Question.* This was a very delicate question of limits, which had been unsettled for more than fifty years. It was referred to the King of Spain as ARBITRATOR by a Treaty signed at Caracas, September 14th, 1881, ratified June 9th, 1882, and proclaimed July 6th, 1882. King Alphonso XII. accepted the duties, and by a *Royal Decree of November 19th, 1883*, appointed a TECHNICAL COMMISSION to study and prepare the question for himself. He died in 1885, before giving his award. The question then arose whether the mandate given to him extended to his successor. This was settled by the Ministers of the two countries in the affirmative, and embodied in an Act-Declaration signed by them in Paris on February 15th, 1886. The Queen Regent Christina, who then undertook the Arbitration on behalf of King Alphonso XIII., gave her Award March 16th, 1891, which was very favourable to Colombia. It was published in the Gazette of Madrid.

References: Anales Diplomáticos y Consulares de Colombia, I. 78-120, II. 118; De Card, pp. 97-99; State Papers, LXXIII. 1107; N.R.G., 2me Série, XXIV. 110; Moore, V. 4858-4862; P.I., pp. 512-515; Gaceta de Madrid, April 17th, 1891; Gaspar Toro, Notas, etc., pp. 153, 154; Tratados Públicos de Colombia, Colección de 1883, I. 83; Tratados de Venezuela, p. 134; Véase Seijas, V. 534; Libro Amarillo de Venezuela presentado al Congreso Nacional de 1895, pp. 242-292; Dreyfus, 181; Merignhac, p. 104; Revue de Droit Int., 1887, 198.

111. **CHILI and FRANCE, in 1882.** *Damages in War.* This was the first of a series of Arbitrations in which Chili engaged in order to settle damages incurred by subjects of various Powers, in the war between Chili, Peru, and Bolivia, called the Pacific War, through the operations of the Chilian forces from February 14th, 1879, the date on which hostilities began. This case referred to French subjects only. It was referred by a *Convention, of November 2nd, 1882*, signed at Santiago, to a MIXED INTERNATIONAL COMMISSION, consisting of three members, one to be nominated by the Emperor of Brazil, who appointed his Excellency F. Lopez Netto, Brazilian Minister to the United States, for all three Commissions (this and two following). On May 20th, 1885, the Emperor of Brazil appointed Lafayette B. Pereira instead of L. Netto, who retired on the ground of ill health. He adopted a point of view diametrically opposite to that of his predecessor, which, says Calvo, "was regrettable from the standpoint of the authority of Arbitration." This Commission began its work immediately, but did not complete its functions, the question being settled by a Special Treaty between the two Governments, November 26th, 1887, Chili settling the claims by payment of a sum of 300,000 piastres. The number of claims presented to it was eighty-nine, the total amount claimed being 7,164,276.91 piastres.

References: Moore, V. 4862; Calvo, 4th Ed., III. 455-466; De Clercq, XIV. 61, etc.; N.R.G., 2me Série, IX. 704, etc.; For. Rel., U.S., 1883, p. 97; 1888, I. 181; De Card, 166, 167, 248-253; Journal Officiel (de France), September 20th, 1883; Recopilación de Tratados y Convenciones, 1894, II. 283, 290, 323; Archives dipl. 1882-1883, IV. p. 41; A. Corsi, Arb. Int., pp. 68-176, 280-306; Merignhac, pp. 117-122; Dreyfus, p. 178; P.I., pp. 233-236.

112. **CHILI and ITALY, in 1882.** *Similar claims.* These were made on behalf of Italian subjects against the Government of Chili. They were referred

to a similar **ARBITRAL TRIBUNAL** of three, appointed by Italy, Chili, and Brazil, by *Convention*, signed at *Santiago*, *December 7th*, 1882, ratified April 30th, 1883. The work of the Commission required two extensions of time, and, ultimately, by a Protocol concluded January 12th, 1888, all claims then undecided by the Tribunal, to the number of 261, were settled by the Chilian Government paying 297,000 (piastres) Chilian silver dollars.

References: Moore, V. 4856; Calvo, 4th Ed., III. 455-466; For. Rel., U.S., 1888, I., 186-188, 190; Sentencias pronunciadas por el Tribunal Italo-Chileno, 1884-1888; *Annuaire de l'Inst. de Droit Int.*, 1885, p. 202; N.R.G., 2me Série, X. 688, etc.; De Card., p. 167; *Trattati e Convenzioni*, IX. 70; *Recopilacion de Tratados*, etc., 1894, II. 282, 288, 326; Mérygnac, p. 117, etc.; A. Corsi, *Arb. Int.*, pp. 68-176, 280-305; P.I., pp. 236-240.

118. **CHILI and GREAT BRITAIN, in 1883.** *Similar claims.* These were referred to a similar **MIXED COMMISSION** by a *Treaty*, signed at *Santiago January 4th*, 1883. This Commission, constituted March 1st, 1884, installed anew June 26th, 1886, and, by a *Convention* of August 16th, 1886, extended for six months longer, examined the different cases submitted to it, numbering 118, and allowed Great Britain 140,000 piastres. Several claims, twenty-one in number, were left unadjudicated upon, and by a Protocol, signed September 29th, 1897, a further sum of 100,000 dollars was paid in settlement of these, when the case was completed.

This *Convention* was one of several, all of which were substantially identical in terms. Under all of them the appointment of the third Commissioner was confided to the Emperor of Brazil, who designated Senhor Lopez Netto. He discharged the duties of President of the various Tribunals in 1884, but an Award rendered by his vote in November of that year gave rise to a discussion in the Press. In February, 1885, he returned to Brazil, as already mentioned, and the Emperor appointed as his successor Senhor Lafayette R. Pereira.

References: Calvo, 4th Ed., III. 455-466; N.R.G., 2me Série, IX. 245; Hertslet, *Complete Collection*, etc., XV. 542, XVIII. 288; *Recopilacion de Tratados y Convenciones*, 1894, II. 309; For. Rel., U.S., 1888, I. 172-177; *Sentencias por el Tribunal Anglo-Chileno*, 1884-1887; Mérygnac, 117, etc.; A. Corsi, *Arb. Int.*, pp. 63-176, 280-305; De Card, 169, 170; *Brit. and For. State Papers*, LXXIV. 821, LXXVII. 1085; Moore, V. 4928-4980; P.I., pp. 242-244.

114. **CHILI and PERU, in 1883.** *Damages in War.* It was stipulated, by Art. 12 of the *Treaty of Peace*, signed at *Lima October 20th*, 1883, which put an end to the War between Chili and Peru, that the claims of Chilian citizens against Peru for damages incurred during the War should be submitted to an **ARBITRAL TRIBUNAL** or **MIXED INTERNATIONAL COMMISSION**. Nothing was done to give effect to this stipulation until 1897, when, by a *Convention of Arbitration*, signed at *Lima, April 5th*, in that year a **TRIBUNAL** was organised. It was composed of three members, two of whom were chosen by the Presidents of the two Republics and the third by the Queen of Holland. We are not informed of the results of this appointment.

References: Peru, *Coleccion de los Tratados*, IV. 658; *Memoria del Ministerio de Relaciones Exteriores*, Peru, 1897, p. 66; P.I., pp. 592, 698.

115. **EGYPT and FOREIGN POWERS, in 1883.** *Damages resulting from Riots, etc.* By a *Decree of January 13th*, 1883, the Khédive instituted an **INTERNATIONAL COMMISSION** to adjust claims growing out of the insurrectionary movements which had taken place in Egypt since June 10th, 1882. This Commission was composed of two Members appointed by the Egyptian Government, one Member appointed by each of the eight Great Powers, and one by the rest collectively. The results of its labours have not been ascertained by us.

References: Calvo, 4th Ed., 468; *Doc. Dipl. pres. al Parl.* February 28th, 1888 and April 5th, 1884; A. Corsi, *Arb. Int.* 1893, pp. 202-204 (nn); Moore, V. 4862.

116. **CHINA and UNITED STATES, in 1884.** *Ashmore Fishery Claim.* This was a claim by Dr. Ashmore, an American citizen, owing to forcible dispossession of the Sun Bue fishery, which was purchased by him from its Chinese owner. Early in 1884 Mr. John Russell Young, the United States Minister at Pekin,

visited Swatow, and while there, in conversations with the Taotai of the Province of Kuang-tung, he secured the reference of the case to the Consuls of Great Britain and the Netherlands at Swatow, Messrs. George Phillips and Robert Hunter Hill, as ARBITRATORS. They gave their *Award* May 24th, 1884, and adjudged Dr. Ashmore an amount of 4,600 dollars, to be paid within two months from the date of *Award*, which was duly done.

References : Despatch of October 22nd, 1884, in MSS. Dept. of State, U.S.; Moore, II. 1857-1859; P.I., p. 601.

117. GREAT BRITAIN and SOUTH AFRICAN REPUBLIC, in 1884. *South-western boundary of South African Republic.* By Article 2 of the *Convention of London, February 27th, 1884*, the question was referred to a JOINT COMMISSION, consisting of two persons, one appointed by each; "and the President of the Orange Free State shall be requested to appoint a Referee to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article (i.e. Art. 1., defining the boundaries) and the decision of such referee thereon shall be final." The Commissioners were Captain Claude R. Conder, R.E., and Tielman Nieuwoudt de Villiers, Esq., with an UMPIRE appointed by the President of the Orange Free State, Judge Meluis de Villiers. The Arbitrators' *Award* was given at Kunene, August 5th, 1885.

References : State Papers, LXXV. 5, LXXVI. 991, 992, LXXVII. 1280; Hertslet, Complete Collection, etc., XVII. 12, 17, 84, XVIII. 100; Hertslet, Map of Africa, etc., II. 847-856, 858-860; Moore, V. 5015; Reitz, A Century, etc., pp. 139-148; Bryce, Impressions, etc., 488-492; P.I., pp. 244, 245.

118. BOLIVIA and CHILI, in 1884. *Confiscations of Property and Goods.* The Treaty of Truce between Bolivia and Chili, which was signed at *Valparaiso, April 4th, 1884*, provided for a COMMISSION OF ARBITRATION, to settle the points in dispute with respect to the amount of indemnity for the loss and damage suffered by Chilian citizens during the late war, which Chili waged against Bolivia and Peru (1879-1883). This Commission was to be composed of three members, one named by Chili, one by Bolivia, and the third to be named by mutual accord from among the representatives of neutral nations resident in Chili, and was to be appointed as soon as possible. The ratifications of this Treaty were exchanged at Santiago November 29th, 1884; and by a complementary Protocol, signed at Santiago May 30th, 1885, it was agreed that the Third Member of the Arbitral Commission should enter upon his duties, as soon as disagreement should arise between the two Commissioners appointed between Bolivia and Chili in their consideration of any of the claims. No report, however, of the proceedings of the Arbitrators seems to have been published.

References : Recopilacion dos Tratados, pp. 167, 255; The Tacna and Arica Question, by Rafael Egaña, 1900, p. 52; P.I., p. 323.

119. HAYTI and UNITED STATES, in 1884. *Personal Claims.* These were advanced against Hayti on behalf of two American citizens, Captain A. Pelletier and Mr. A. H. Lazare, arising out of a charge of piracy and traffic in negroes against the former, and the non-execution of contract in connection with the opening of a bank by Lazare, involving questions of administrative and judicial procedure. By a *Protocol*, signed at *Washington, May 24th, 1884*, these claims were referred to Hon. W. Strong, formerly Judge of the Supreme Court, as sole ARBITRATOR. Though the claims were thus referred together, they were not otherwise connected. They differed in origin, in character, and in ownership, and the *Awards* were given separately. These, which were dated June 13th, 1885, were adverse to Hayti, the Arbitrator granting an indemnity of 57,250 dollars to A. Pelletier, and 117,500 dollars to A. H. Lazare. The *Awards* were transmitted to Mr. Bayard, then Secretary of State, on June 20th, 1885. They were afterwards impugned; the Senate asked for a report, which was made by Mr. Bayard on January 20th, 1887, after careful examination, in favour of re-opening the question in both instances, and urged that Pelletier's claim was one that could not be pressed by the United States. According to a report of Mr. Olney, transmitted to the Senate, February 28th, 1896, Hayti had not then paid the amount

awarded to A. H. Lazare. The final disposition of the case, as reported by the Secretary of State in 1887, has not been disturbed by any subsequent action of the Government.

References: N.R.G., 2me Série, XI. 798, XIII. 588, XV. 790; State Papers, LXXV. 382; Journal de Droit Int. privé, 1888, pp. 368-370; Revue de Droit Int., 1890, p. 360; Archives diplomatiques, 1885, I. 267; S. Ex. Doc. 64, 49, Cong. 2 Sess., 43; U.S. For. Rel., 1887, p. 630; De Card, pp. 124-128, 132, 133; Gaspar Toro, Notas, etc., pp. 124, 125; Moore, II. 1749-1805, V. 4768-4770; P.I., pp. 245-267.

120. **GERMANY and GREAT BRITAIN, in 1884.** *Land Concessions.* On the cession of the Fiji Islands to Great Britain, October 10th, 1874, it became necessary to examine carefully the concessions of land which had been made by the native chiefs to persons of various nationalities. More than 1,300 of these concessions were disposed of then. But some, which were made to German subjects, gave rise to a long diplomatic correspondence, which ended in an *Exchange of Telegrams*, dated June 19th and 21st, 1884, submitting the matters in dispute to a JOINT COMMISSION. This arrangement was confirmed by letters of July 3rd, August 4th, and September 16th, 1884. Two Commissioners were thereupon appointed, one German and one English (Dr. R. Krauel and Mr. R. S. Wright), who were instructed on March 3rd, and gave their *Award*, April 15th. The original claim on behalf of Germany was £140,000; the Award of the Commissioners was £10,620. The German Ambassador wrote on May 18th to the British Government that he was authorised to accept the Award, and to give his receipt. The money was thereupon paid.

References: Parl. Papers [C. 4438], 1885; Weissbuch, Zweiter Teil, pp. 89-92; Brit. and For. State Papers, LXXVI. 887-889; Moore, V. 5043; P.I., pp. 267-274.

121. **COLOMBIA and ECUADOR, in 1884.** *Private Claims.* This reference to Arbitration had for its object the settlement of indemnities claimed by Colombian citizens from Ecuador. It was made by means of a *Convention*, signed June 28th, 1884, ratified at Quito, October 8th, 1886. The ARBITRAL TRIBUNAL met at Quito on February 11th, 1887; thirty-seven claims were presented to it, of which ten were rejected, four withdrawn, seven left unadjudicated, and Judgment was given in regard to the remaining sixteen, awarding a total of 78,598.76 piastres.

References: Anales Diplomaticos y consulares de Colombia, 1901, II. 115; Informe de Relaciones exteriores, Colombia, 1888, p. 88, 1890, p. 16, 1892, p. 13; P.I., p. 617.

122. **CHILI and GERMANY, in 1884.** *Damages in War.* Claims were presented on behalf of German subjects against the Government of Chili for damages in the war of that country against Bolivia and Peru, 1879-1883. They were referred to a MIXED COMMISSION of three, one appointed by Chili, one by Germany, and the third by the Emperor of Brazil, by a *Convention* of August 23rd, 1884. The Commission was organised but gave no *Award*, since the claims were directly settled by a *Convention* of August 31st, 1886, and a Protocol of April 22nd, 1887, by which the functions of this Tribunal were declared to be terminated, a sum of 20,000 piastres having been accepted in satisfaction of the German, Austrian, and Swiss claims against Chili, all of which had been submitted to it.

References: Recopilacion de Tratados y Convenciones, 1894, II. pp. 176, 295; N.R.G., 2me Série, IX., etc.; Calvo, 4th Ed., III. 455, 466; Mérignhac, p. 117, etc.; De Card, p. 168; Moore, V. 4916; P.I., pp. 274-277.

123. **BELGIUM and CHILI, in 1884.** *Similar claims* These were made by Belgian subjects for losses in the same war. They were referred to the Italo-Chilian COMMISSION, constituted under *Convention* of December 7th, 1882, by a *Convention* signed at Santiago August 30th, 1884. There were only three claims, which amounted to 5,639.80 piastres, and they were all rejected by that Commission.

References: N.R.G., 2me Série, XI. 638; Moniteur Belge, April 8th, 1886; Archives diplomatiques, 1886, III. 164; Mérignhac, p. 118; De Card, 167, 168; P.I., pp. 277, 278.

124. GERMANY and GREAT BRITAIN, in 1884. *Territorial Claims.* On September 7th, 1884, the German Government instructed its Representative in London to inform the British Government that it had taken possession of the West Coast of Africa from 26th degree of latitude to Cape Frio, and to offer, for the settlement of eventual difficulties, the formation of a MIXED COMMISSION.

(a)—This proposal was formally accepted *September 22nd, 1884*, and confirmed by a later letter of October 8th. The Commissioners appointed were Messrs Bieber and Shippard, who met for the first time at Cape Town on March 27th, 1885, and proceeded to examine certain claims of British subjects as to the possession of certain islets and guano deposits, situated on the German Protectorate of Angra Pequena and neighbouring coast of South-West Africa.

(b)—Early in 1885 they failed to agree, whereupon the two Governments, by an exchange of letters, dated March 6th and 8th, 1886, formed a new Commission, consisting of Messrs. R. Krauel and Charles S. Scott, who sat at Berlin, where their *Awards* were given July 15th, 1886, and formally accepted by Great Britain, October 23rd, and by Germany, November 13th, 1886.

References: Weissbuch, Erster Teil, pp. 117, 120; Parl. Papers [C. 4262], p. 36; [C. 5180], p. 20; Hertalet, Complete Collection, etc., XVII. 1172; State Papers, LXXVII. 1042, 1288, LXXV, 547, 551, LXVII. 54; Herstlet, Map of Africa, etc., II. 608-611; P.I., pp. 278-281.

125. AFGHANISTAN and PERSIA, in 1885. *Hashtadan Boundary Dispute.* In 1885 the cultivation of certain lands at Hashtadan by Persians led to a protest from the Government of Afghanistan, the Ameer claiming the lands in question as part of his dominions. Her Majesty's Government offered, by virtue of Art. 6 of the Treaty of Paris, 1857, to act as ARBITRATOR in the question at issue. The offer having been accepted, General McLean, afterwards Her Majesty's Consul-General at Meshed, was deputed by the Government to act as ARBITRATOR. On November 9th, 1888, he proposed an *Arrangement* for the settlement of the disputed frontier, which was accepted by both the Shah and the Ameer. About a year later Gen. McLean was entrusted with the demarcation on the spot. This was completed on May 24th, 1891. His *Report* was dated July 6th, 1891. By this dual adjustment the respective water rights were clearly defined, pillars of demarcation were set up, and the Hashtadan question was finally laid to rest.

References: C. N. Aitchison, Collection of Treaties, Engagements, and Sanads, India, Calcutta, 1892, X. 27, and Appendix No. 22 (p. lxi.).

126. HAYTI and UNITED STATES, in 1885. *Civil Disturbances.* This case of Arbitration involved the claims of citizens of the United States for damages sustained during a riot at Port-au-Prince, September 22nd and 23rd, 1883. By a *Verbal Agreement* between the American Minister at Port-au-Prince and the Haytian Minister for Foreign Affairs, on *January 25th, 1885*, it was referred for adjustment to a MIXED COMMISSION of two Americans and two Haytians. The Commissioners were Charles Weymann and Edward Cutts (afterwards Dr. J. B. Terres), on the part of the United States, and B. Lallemand and C. A. Preston (afterwards Ségu Gentil), on the part of Hayti. On April 22nd and 24th, 1885, the Commissioners agreed on all the claims but two, which were referred to the Governments, and upon these 9,000 dollars were paid, November 30th, 1887. The total amount of their actual *Awards* was 5,700 dollars.

References: For. Rel., U.S., 1883, 594; 1885, 500-540; MSS. Dept. of State, U.S.; Moore, II. 1859-1862; P.I., pp. 291-293.

127. SPAIN and UNITED STATES, in 1885. *Maritime Capture.* This was the seizure and detention of an American ship, the "Masonic," at Manila, for alleged smuggling, January 12th, 1879. By *Collective Letter* signed at Madrid, *February 28th, 1885*, the case was referred to Baron Blanc, the Italian Minister at Madrid. His *Award* of 51,674 dollars to the United States, for Captain Blanchard, was given June 27th, 1885. This was 2,600 dollars more than was claimed.

References: MSS. Dept. of State, U.S., 1880, 1881, 1882; For. Rel., U.S., 1885, 678-683, 687, 696, 699, 700, 725, 726, 729, 733, 748; S.P., p. 4; Moore, II. 1055-1069; P.I., pp. 281-285.

128. **AUSTRIA-HUNGARY and CHILI, in 1885.** *Losses in War.* The claims of Austrian subjects against Chili for losses arising out of its war with Bolivia and Peru were, by a *Convention* signed at *Santiago, July 11th, 1885*, referred to the **GERMAN-CHILIAN COMMISSION**, established by the Convention of August 23rd, 1884. The Commission met at Santiago, and its sittings were private, owing to the state of agitation in the country. It rendered *no Award* on these claims, for the reason mentioned above, viz., the matter was terminated by the acceptance, under a Protocol signed at Santiago, April 22nd, 1887, of a round sum of 20,000 piastres, in payment of all the claims before it—that amount to be divided between the Austrian, German, and Swiss claimants.

References: State Papers, LXXVI. 98; Recopilacion de Tratados, etc., 1894, II. 268, 295; N.R.G., 2me Série, XII. 507; Mérygnac, p. 119; De Card, p. 169; Moore, V. 4916; P.I., pp. 276, 277, 293, 294.

129. **GERMANY and SPAIN, in 1885.** *Disputed Territory.* This involved the sovereignty of the Caroline Islands, and led to a long diplomatic correspondence between the two Governments. Ultimately, during the month of *September, 1885*, it was, but without the usual written formalities, referred to the Pope, who, on October 22nd, 1885, made, in favour of Spain, a *Proposition*, which had the force of an Award. This was accepted by both Governments, and was embodied in a Protocol, signed at Rome, December 17th, 1885, by which Spain was declared sovereign, and Germany was accorded freedom of navigation, commerce, and fisheries.

References: N.R.G., 2me Série, XII. 283-296; Dreyfus, pp. 179-181; Kamarowsky, Trib. Int. (Pref.); Hazell's Annual, 1888, p. 79; 1891, pp. 584-585; Moore, V. 5043-5046; P.I., pp. 285-287.

130. **GREAT BRITAIN and RUSSIA, in 1885.** *North-West Boundary.* As far back as 1873 the question of this frontier had been raised between the Government of India and the Ameer of Afghanistan. The first mention between Russia and Great Britain of its delimitation was made in a despatch from M. de Giers, which was received at the British Foreign Office, May 4th, 1882. In 1884 the two Governments agreed that the frontier should be delimited by mutual consent, and a Commission was appointed and set to work. Then came the incident at Penjdeh, and their proceedings were stopped. By a *Protocol*, signed at *London, September 10th, 1885*, it was again referred to a **JOINT COMMISSION**, which was appointed "to make an investigation on the spot jointly, for a more exact definition of the boundary line between the Russian possessions and Afghanistan." Great Britain was represented on this Commission by Sir J. West Ridgeway, the Russian Commissioner being Colonel Kuhlberg. The British members of the former Commission had been re-appointed and were mostly on the spot, so that before the Protocol was signed, the nucleus had met at Rindli, August 31st, 1884, and on November 14th, the Afghan Frontier Commission under Colonel Ridgeway arrived at Herat, and the Russian Commissioners were on their way to the frontier. The work was completed on the spot, August 21st, 1886. On April 23rd, 1887, the Commissioners resumed their labours in St. Petersburg, when they succeeded in finally settling the Boundary Question. The results were embodied in a Final Protocol, signed at St. Petersburg, July 22nd, 1887, and on August 3rd, 1887, the two Governments exchanged Notes accepting their conclusions.

References: Parl. Papers [C. 5825] Central Asia, No. 2, 1887; *Délimitation Afghane, 1872-1885*, St. Petersburg, 1886, p. 378; N.R.G., 2me Série, XIII. 566; State Papers, LXXVI. 1102, etc., LXXVII. 303; Hazell's Annual, 1888, p. 5; *Annals of Our Time, 1884*, p. 1457, etc.; *The Afghan Boundary Commission*, by A. C. Yate, Lond., 1887; P.I., pp. 287-291.

131. **CHILI and SWITZERLAND, in 1886.** *Losses in War.* This is one of the Arbitrations to which Chili had to submit after her war with Bolivia and Peru, 1879-1883, for the settlement of claims arising out of that war. By a *Convention of Arbitration*, signed at *Santiago, January 19th, 1886*, and ratified by Switzerland, July 10th, 1886, and by Chili, October 7th, 1886, these were referred to the **GERMAN-CHILIAN COMMISSION**, established under the Convention of August

23rd, 1884. The Commission rendered *no Award*, the matter being settled as in the instances mentioned above, through the intervention of the German Ambassador.

References : N.R.G., 2me Série, XIV. 324 ; Recopilacion de Tratados, etc., 1894 II. 272 ; 295 ; De Card, p. 169 ; Moore, V. 4857 ; P.L., pp. 276, 277, 294, 295.

132. **COLOMBIA and ITALY, in 1886.** *Cerruti Claim.* This interesting case has involved considerable difficulty. The dispute arose thus : In 1884 a civil war broke out in Colombia, and from the beginning of the rebellion Messrs. Cerruti & Co., a commercial firm established in one of the departments of Colombia, were, or were supposed to be, in open revolt against the Government. The local authorities, for that reason, in 1885, confiscated Ernesto Cerruti's property, and Signor Cerruti, being an Italian subject, took refuge on an Italian ship. The Italian Government immediately took the matter up, and entered upon long negotiations with Colombia. Several times in the course of the affair grave difficulties arose, and it was many years before the "Cerruti Claim" was finally settled. The case passed through several stages :—

(1.) The question of the nationality of Ernesto Cerruti, and all other claims pending between the two Governments on behalf of Cerruti or of other Italian subjects, were, by a *Protocol* signed at *Paris, May 24th, 1886*, referred to the Government of Spain as "Mediator." As, however, the Mediator was empowered to decide the questions submitted, and called on to render an Award, it was *de facto* an Arbitration. The "*Award of Mediation*" (so called in the Colombian *Recordo-Anales*, etc., 1901, p. 493, note 1), in favour of Italy, declared that Signor Cerruti, and the Italians who had given him asylum, had not infringed the laws of neutrality, and that he was entitled both to the restoration of his property and to damages from illegal procedures. It was given January 26th, 1888.

(2.) Art. 3 of the Paris Protocol making the reference had stipulated that "should it result from the said mediation that Colombia must pay indemnities," their amount, etc., shall form the object of an Arbitral judgment by a Mixed Commission to consist of the representative of Italy at Bogota, a Colombian, and the representative of Spain at Bogota. The Colombian Government accepted the results of the Award, a MIXED COMMISSION was, therefore, organised in accordance with the third Article of the Protocol, for the purpose of determining the amount of the indemnities due to Cerruti, and it met at Bogota September 5th, 1888. It consisted of Count Gloria (Italy), Mr. Julian Cock Bayer (Colombia), and Mr. Barnardo de Cologan (nominated by the Spanish Government), who presided. The claims, however, were not presented to the Commission, and three weeks before the time fixed for its expiration by an additional Article to the Paris Protocol, it suspended its sessions because there was no business before it.

(3.) A long diplomatic correspondence, continuing for some years, followed, until, by a *Convention*, concluded *August 18th, 1894*, the question of the Cerruti claims was referred to President Cleveland as ARBITRATOR, and he awarded £60,000 to Cerruti. This was accepted by Colombia, who paid the indemnity. The Arbitrator, however, ordered also payment of the claims of all the creditors of Signor Cerruti, which was resisted, and a rupture, involving considerable strain between the two countries, existed, until the matter was settled by the submission of Colombia and the further payment of £100,966 (504,833.669 dollars).

(4.) This point, however, was not reached without severely strained relations between the two Governments, and then not until 1899. Under a *Protocol*, signed at *Bogota on December 29th, 1898*, an INTERNATIONAL COMMISSION was instituted, consisting of Sr. Leo S. Kopp, appointed by the Diplomatic Representatives in Bogota, of England, France, and Germany, and Sr. José Maria Nuñez U, appointed by the Government of Colombia, and Sr. James C. MacNally, appointed by them as the third Arbitrator, to examine the claims of Cerruti's creditors, and to wind up the affair. This Commission met on December 31st, 1898, and sat until January 31st, 1899. After this difficulties arose, the Commissioners could not agree, Sr. Kopp retired, and the foreign representatives at Bogota declined to appoint any one in his place. Meanwhile the Italian Government had presented an ultimatum and

time was pressing. Colombia therefore created a National Commission to conclude the liquidation. Its history is given in its proper place.

References: Paul Bureau, the Italo-Colombian Dispute, Paris, 1899; Dreyfus, p. 181; Revue de Droit Int., 1887; N.R.G., 2me Série, XVIII. 659; Trattati e Convenzioni, XIII. p. 348, XV. 9-12; Anales Diplomáticos y Consulares (Colombia), I. 490-549 (see pp. 490-492 for Bibliography), II. 121; Memorias del Ministerio de R.E. al Congreso de Colombia, 1888, 1890, 1892, 1894, 1896, 1898; Moore, II. 2117-2123, V. 4699-4701; P.I., pp. 295-298.

133. BAKWENA and BAMANGWATO, in 1886. *Ownership of Wells.* In this year a serious dispute arose between these two African nations, about rights to certain wells at a place called Lopepé, on the road to the North from Molepolole to the Bamangwato. Both tribes appealed to the British Government, who appointed an ARBITRAL COMMISSION to sit at Lopepé. This Commission was presided over by Captain Goold Adams, who had been sent by the Administrator of British Bechuanaland to act as Arbitrator. It met on August 23rd, 1886, at Lopepé, and having heard witnesses on both sides, gave, on the third day, an Award to the effect that the wells should be equally divided. This Award was joyfully accepted by both sides.

References: A. J. Wookey in L. M. Chronicle (*Herald of Peace*, Nov., 1887, p. 291); E. Lloyd, Three Great African Chiefs, 1895, pp. 253, 254.

134. BULGARIA and SERBIA, in 1886. *Disputed Territory.* In 1884, differences arose between Bulgaria and Serbia with reference to the right of possession to certain territory opposite to the village of Bregovo. The question was considered by the Diplomatic Representatives of Austria-Hungary, Germany, and Russia, who recommended the cession of the place to Bulgaria in return for other territory, or a money compensation. The occupation by Bulgaria of the frontier post at Bregovo was one of the causes which led to the War between Serbia and Bulgaria, in November, 1885.

(a)—By an Arrangement between Serbia and Bulgaria, signed at Nisch, October 25th, 1886, a MIXED COMMISSION was appointed for the settlement of this question. On December 16th, 1886, the Mixed Commission announced its Decision, which was confirmed on March 30th, 1887, by an Act signed between the Bulgarian and Servian Governments.

(b)—On July 13th, 1888, the SERVO-BULGARIAN COMMISSION, which had been charged to regulate an exchange of territory, made its Report, and on December 31st, 1888, an Act was signed between the Bulgarian and Servian Governments for the mutual exchange of the disputed territories, the ratifications of which were exchanged at Sofia, January 4th, 1889, which terminated the matter.

References: Hertael, Map of Europe, etc., IV. 3188-3190, 3191, 3192, 3202, 3203.

135. COSTA RICA and NICARAGUA, in 1886. *Boundary Question.* This question involved the validity of the Treaty of Limits, of April 15th, 1858, delineating the frontiers, and of the right of the former Republic to navigation on the River San Juan. Through the good offices of Guatemala, a Treaty was signed at Guatemala, December 24th, 1886, ratified at Managua, June 1st, 1887, by which it was referred to President Cleveland, of the United States, as sole ARBITRATOR, who, after appointing the Hon. George L. Rives, Assistant Secretary of State, to examine the arguments and evidence, and receiving his report, gave his Award at Washington March 22nd, 1888, in favour of the validity of the Treaty of Limits of 1858, and settling the various points at issue under it. This Award was favourably received by both Governments, but when they came to carry it into effect they found themselves confronted with new difficulties. In this dilemma they accepted the mediation of the Government of Salvador, through whose good offices they concluded, at San José, April 8th, 1896, a fresh Convention for the demarcation of their boundary, and it instituted another Arbitral procedure which will appear in due course.

References: State Papers, XLVIII. 1049, LXXVII. 476, LXXIX. 555; Tratados de Costa Rica, II. 391; Annuaire de législation étrangère, 17e Année, Paris, 1888, p. 941; Gaspar Toro, Notas, etc., 147-149; Colección de Tratados, Costa Rica, 1896, p. 183; For. Rel. U.S., 1887, 267, 268; 1888, Part I. 455, 456, 459-468; 1896, 100-102, 371; Annuaire de l'Inst. de Droit Int., 1888, p. 406; Revue de Droit Int., 1888, p. 512; De Card, pp. 134-136; Dreyfus, pp. 181, 182; Moore, II. 1945-1968, V. 4704-4709; P.I., pp. 298-301.

136. **HONDURAS and SALVADOR, in 1886.** *Boundary Question.* The question of the frontier line between the two Republics, by a *Convention*, signed at Tegucigalpa, September 28th, 1886, and ratified at San Salvador July 27th, 1888, was referred to a JOINT COMMISSION of four — two land surveyors and two lawyers—appointed by the two Governments, and was to be by them determined "within three months from the date of ratification." In case of disagreement between the Commissioners the two States agreed to submit to the decision of a friendly Power. This Convention did not prove definitive. On January 19th, 1895, the same States concluded, at San Salvador, a new Treaty of Limits which instituted, in the same terms as the analogous Treaty concluded between Honduras and Nicaragua, on October 7th, 1894, a MIXED BOUNDARY COMMISSION charged to settle pending differences and also the Boundary Line between the two Republics. It also provided an Arbitral Tribunal, in the case of difference, (Art. 3), whose decision was to be without appeal, composed of a representative of each Power, with an Umpire chosen from the Diplomatic Corps in Guatemala, in the manner prescribed, with an ultimate power of appeal to the Arbitration of the Spanish or some South American Government. We are not able to state what action, if any, was taken to give effect to these stipulations.

References: *Revue de Droit Int.*, Bruxelles, 1887, XIX. 196; Dreyfus, p. 181; Romero Giron, *Complemento*, Apéndice, III., 1896, p. 420; Gaspar Toro, *Notas*, etc., pp. 145, 146; *Tratados celebrados por el Gobierno de Honduras*, 1895, p. 83; Michel Revon; P.I., pp. 505, 506.

137. **GREAT BRITAIN and SPAIN, in 1887.** *Marine Collision.* A collision between a Spanish man-of-war, "Don Jorge Juan," and a British merchant vessel, "Mary Mark," took place near Belize, July 9th, 1884. The amount claimed for the loss sustained was 2,050 lire (£82). In April, 1887, Spain consented to Arbitration. Eventually two ARBITRATORS were chosen, viz., Sir Clare Ford, British Minister at Madrid, and the Spanish Minister of State, Señor Moret, and with the consent of the Italian Government, the Marquis Maffei, the Italian Minister at Madrid, was appointed Umpire. The Award was given December 5th, 1887, by the two Arbitrators without appealing to the Umpire, and a small sum of 600 lire (£24) was awarded to the owners of the British ship.

References: Count G. Tornielli, Italian Ambassador, *Statement*, *Herald of Peace*, December 1st, 1892, p. 166; Moore, V. 5017; P.I., p. 617.

138. **COLOMBIA, ECUADOR, and PERU, in 1887 and 1894.** *Disputed Territory.* This involved the question of the ownership of a vast extent of territory forming a portion of the Amazonic region of Mainas, Quijos, and Canelos.

(a)—The ancient disputed frontier between ECUADOR and PERU, which had been the object of so many Agreements, notably that of the Boundary Treaty of 1829, was, at length, by a *Convention*, concluded at Quito August 1st, 1887, and ratified April 14th, 1888, submitted to the ARBITRATION of the King of Spain. The duty was accepted by him, December 14th, 1888. The parties presented their respective cases in the following year at Madrid, and the Arbitrator proceeded with the consideration of the Case. Meanwhile a new Boundary Treaty, which had been promoted at Quito, was concluded between Peru and Ecuador, on May 2nd, to which a Complementary Protocol was signed, on June 5th, 1890. Thereupon, both Governments requested the Spanish Arbitrator to delay his Award. The Treaty, which was sanctioned by the Ecuadorian Congress, was subjected to amendment by Peru in 1893, and in 1894 was revoked by the Ecuadorian Congress. Intense feeling was evoked on both sides which imminently threatened a rupture. This was prevented by the mediation of the Holy See and of Colombia, which, however, in turn insisted on becoming a party to the contention, and accepted the Convention of August 1st, 1887, to which it gave its formal adhesion.

(b)—This was done in an additional Convention, signed at Lima, by the Plenipotentiaries of the three countries, December 15th, 1894, by which it was agreed to submit the whole affair anew to the King of Spain, as Arbitrator. King

Alphonso XII. died the following year (1895) and the Queen Regent, early in 1896, herself, by unanimous request, accepted the office. The result is not known.

References: State Papers, LXXVIII. 47; *Tratados del Peru*, V. 525-556, 808, 989; *Annuaire de législation*, 1888, p. 956; *Anales Diplomáticos*, etc. (Colombia), 1901, II. 114, 115, 681-796 (see pp. 681, 682 for Bibliography); Peruvian Legation (Letter), London, February 5th, 1897; Gaspar (Tom, Notas, etc., pp. 158-161; Moore, V. 4867, 4858; For. Rel., U.S., 1895, I. 250; De Card, pp. 99, 100; Dreyfus, p. 182; *Revue de Droit Int.*, 1888, p. 511; P.I., pp. 323-325; *Statesman's Year Book*, 1903, pp. 553, 954; Hazell's Annual, 1895, p. 574; *Herald of Peace*, March, 1896, p. 27.

139. **GUATEMALA and MEXICO, in 1888.** *Mutual Claims.* These were presented on behalf of citizens of the two Republics for injuries suffered subsequent to 1873. The question of the amount of indemnities which should be paid was, by a *Convention*, signed at *Mexico, January 26th, 1888* (alterations in which were approved February 15th, 1889), referred to a MIXED, i.e., a JOINT COMMISSION of two members, with power to refer to a third Arbitrator, in case of difference, to be appointed by them, or, in default, by the Mexican Secretary for Foreign Affairs and the Guatemalan Minister in Mexico. The powers of the Arbitrators were renewed and prolonged by a Treaty, signed at Guatemala December 22nd, 1891. The Mexican claims which came before them reached a total of 2,954,421.28 piastres, and the Guatemalan 2,139,379.25 piastres. They *Awarded* 39,044.30 piastres and 49,100 piastres respectively.

References: *Tratados y Convenciones concluidos . . . por la Republica Mexicana*, 1896, pp. 278, 289; P.I., pp. 325-328.

140. **HAYTI and UNITED STATES, in 1888.** *Arbitrary Arrest.* This was a claim of Mr. C. A. Van Bakkelen, a citizen of the United States, for alleged arbitrary imprisonment at Port-au-Prince, May 24th, 1884, and for denial of legal rights. He claimed an indemnity of 113,000 dollars. Under a *Protocol*, signed at *Washington May 24th, 1888*, Mr. Alex. Porter Morse, of that city was appointed ARBITRATOR, by the joint selection of the American Secretary of State and the Haitian Minister at Washington. His *Award*, given at Washington, in a document of extraordinary length, December 4th, 1888, was adverse to Hayti, and allowed the claimant 60,000 dollars. The last instalment in payment of the Award was made by Hayti in 1895.

References: For. Rel., U.S., 1888, pp. 986; 1884, pp. 306-492; 1885, pp. 498-542; 1888, pp. 984-987, 1007-1036; *Juridical Review*, II. 1890, pp. 76-78; Moore, II. 1807-1853, V. 4770, 4771; De Card, pp. 133, 184; *Journal de Droit Int.*, privé, 1891, p. 676; P.I., pp. 301-322.

141. **MOROCCO and UNITED STATES, in 1888.** *Illegal Arrest.* An American Consular *protégé* was arrested and imprisoned at Rabat by the Moorish authorities at Fez. An indemnity was demanded by the American Government, and for a time considerable apprehension as to the result was felt. On *April 9th, 1888*, it was announced in Madrid that an Agreement had been come to, on the intervention of Mr. Kirby Green (England) and Signor Cantagalli (Italy), between Mr. Reed Lewis, the American Consul at Tangier, and the delegates of the Sultan, Muley Hassan, to refer the dispute to an ARBITRAL COMMISSION, Mr. Lewis, if necessary, to name an umpire, who it was anticipated would be Signor Cantagalli. The dispute was apparently settled in May, but broke out again more bitterly in October. The matter was finally submitted to the decision of Arbitrators, Italy (that is Signor Cantagalli) being chosen Umpire. The result has not been ascertained.

References: Michel Revon, p. 319; *The Annual Cyclopædia* (American), 1888; *Times*, April (esp. April 10th), 1888, October 18th, 1888; *Herald of Peace*, May, 1888, p. 61; Hazell's Annual, 1890, p. 422.

142. **FRANCE and HOLLAND, in 1888.** *Boundary Dispute.* This was in regard to the frontier districts between Cayenne and Surinam, i.e., French Guiana and Dutch Guiana. The matter assumed importance because of the discovery of goldfields in the disputed territory. It was referred, on *November 29th, 1888*, to the decision of an ARBITRATOR. The Czar of Russia was chosen by common consent, but declined on the ground that the terms

of the reference were too narrow. By a new Convention, signed April 28th, 1890, the scope of the reference was enlarged, and the Czar accepted the office of Arbitrator, after having received a formal assurance from the two Governments that his decision would be accepted as final. He appointed a Commission to examine the subject in controversy, and his *Award* was given at Gatchina, on May 25th, 1891, in favour of Holland, but without prejudice to rights of French settlers in the disputed territory.

References : N.R.G., 2me Série, XVI. 780, XVIII. 100; De Card, pp. 91-97, 282-235; State Papers, LXXVIII. 1018, LXXIX. 795; Journal de Droit Int. privé, 1890, pp. 761, 922; Revue de Droit Int., 1891, p. 81, 84, 529, 1894, p. 47, etc.; Revue pratique de Droit Int. privé, 1891, p. 157; Memorial Diplomatique, 30 Mai, 1891, p. 340; 6 Juin, 1891; 10 Octobre, 1891; Le Soir, 12 et 14 Juin, 1891; Journal Officiel Français, 19 Avril, 1888, 13 Août, 1889; 13 Mai, 17 Août, 1890; Mérignhac, 104-110; Revon, pp. 322, 323; Pandectes Françaises, No. 96; Pradier-Fodéré, No. 2605, 262, etc.; Gaspar Toro, Notas, etc., pp. 154, 155; Dreyfus, p. 183; Moore, V. 4866-4870; P.I., pp. 328-329.

143. **DENMARK** and the **UNITED STATES**, in 1888. *Seizure and Detention of Ships*. This referred to the claim of Messrs. Carlos Butterfield & Co., an American firm, against the Danish Government, arising out of the seizure of two American ships, the "Beu Franklin" and the "Catherine Augusta," at St. Thomas, in the West Indies, in the years 1854-1855. By a *Convention*, signed December 6th, 1888, the case was submitted to the ARBITRATION of Sir Edmund Monson, the British Ambassador at Athens, whose *Award* was given in favour of Denmark, January 22nd, 1890. The claim was wholly rejected.

Reference: N.R.G., 2me Série, XV. 790; For. Rel., U.S., 1889, pp. 151, 158; Revue de Droit Int., XXII., 1890, p. 360 et suiv.; Mémoire présenté par le Gouvernement Danois à Sir E. Monson; S.P., p. 4; Mérignhac, pp. 122-124; Revon, pp. 320-322; Dreyfus, pp. 184, 185; De Card, pp. 128-131; Brit. and For. State Papers, LXXXII. 756; Moore, V. 4710, 4711; P.I., pp. 329-332.

144. **COSTA RICA** and **NICARAGUA**, in 1889. This Agreement to arbitrate referred exclusively to the excavation of the Inter-oceanic Canal, and to a question of the interpretation of the Treaty of April 15th, 1858, subsidiary to that which had formed the subject of the reference of December 24th, 1886, and the *Award* of March 22nd, 1888. It arose out of a contract which the Government of Costa Rica had entered into on July 31st, 1858, with the *Association del Canal de Nicaragua*. By a *Convention*, signed at San José, January 10th, 1889, the two Governments agreed to submit this new difference also to the President of the United States; but as the ratifications were not exchanged before April 30th, the time stipulated in the Treaty, both parties considered that the reference had fallen through.

References: Memoria de la Secretaria de Relaciones Exteriores, Costa Rica, 1889; Brit. and For. State Papers, XLVIII. 1049; Revon, p. 320; P.I., pp. 332, 333.

145. **GERMANY** and **GREAT BRITAIN**, in 1889. *Disputed Territory*. This was a case for the settlement of a dispute between the British East Africa Company and the German Company of Witu, in regard to rights as to the farming of customs, and the administration of the Island of Lamu, East Coast of Africa. By an *Agreement* come to in April, 1889, which has apparently not been published and the exact date of which is, therefore, unknown, it was referred to Baron Lambermont, Belgian Minister of State. His *Award*, given at Brussels August 17th, 1889, was in favour of Great Britain, and was accepted by both Governments and published with their consent.

References: Moniteur Belge du 28 Août 1890, p. 2461; Dreyfus, p. 183; De Card, p. 104-109; Revue de l'Inst. de Droit Int., 1889, XXI. 354; 1890, pp. 49, 349-369, 587, etc.; Hertslet, Map of Africa, etc., II. 630-641; Baron Lambermont, Letter, February 5th, 1897; Mérignhac, pp. 124, 125; Moore, V. 4940-4947; P.I., pp. 335-340.

146. **ARGENTINE REPUBLIC** and **BRAZIL**, in 1889. *The Misiones Territory*. This was a question of boundaries which had been a subject of contention for more than a century and involved the ownership of a tract of country covering 11,823 square miles. It was referred to Benjamin Harrison, President of the United States, by a *Treaty* of September 7th, 1889, and settled by his

successor, President Cleveland, who consented to act, June, 1893. His *Award*, which was in favour of Brazil, was, on February 5th, 1895, delivered to the representatives of the contending parties. It was the occasion of great rejoicing at Rio de Janeiro, while it was heartily accepted by Argentina, telegrams of congratulation being exchanged between the two countries.

References: *Relatorio do Ministerio das Relações Exteriores*, 1891-1892, p. 40; 1895, *Annexo I.* p. 5; *For. Rel.*, U.S., 1892, pp. 1-18; 1895, p. 1; *Memoria de R.E.*, Argentina, 1895; *Calvo IX.*, X.; *Revon.* p. 320; *Gaspar Toro*, *Notas*, etc., pp. 169-171; *Moore*, II. 1969-2026, V. 4688, 4689; *P.I.*, pp. 340-342.

147. **CONGO and PORTUGAL, in 1890.** *Frontier Disputes.* By two identical *Notes*, one dated from *Brussels* and the other in *Berne*, on *February 7th*, 1890, the parties interested applied to the Swiss Federal Council to accept the office of eventual ARBITRATOR in order to decide any differences that might arise between them during the settlement of their frontiers in Africa. By a note dated February 18th, 1890, the Swiss Federal Council replied in the affirmative. It was not, however, called upon to fulfil its functions because the difficulties that arose were settled directly between the Contracting Parties, by a Convention signed at Brussels May 25th, 1891.

References: *Feuille Fédérale*, Suisse, 1890, I. 644; *Rapport du Conseil Fédéral*, 1891, pp. 30, 126; *Moore*, V. 5041; *P.I.*, pp. 617, 618.

148. **CHINA and GREAT BRITAIN, in 1890.** *Reserved Questions.* These were questions relating to Sikkim and Tibet—facilities for trade, pasturage, and official communications, which were reserved for discussion under Arts. 4, 5, and 6 of a *Convention*, signed at *Calcutta*, *March 17th*, 1890. By Art. 7 of this Sikkim-Tibet Convention these were referred to a JOINT COMMISSION which met and, after due discussion, formulated, in nine Articles and three General Articles, Regulations which were signed at Darjeeling December 5th, 1893.

References: *Parl. Papers [C.]* 7812], Treaty Series No. 11, 1894; *Times*, August 4th, 1908.

149. **ITALY and PERSIA, in 1890.** *Customs Dispute.* A claim was made by M. G. Consonno, an Italian subject, against the Persian Customs for confiscation of goods at Recht in November, 1882. By a *Protocol*, signed at *Teheran*, *June 5th*, 1890, it was referred to Sir Wm. White, the British Ambassador at Constantinople, as ARBITRATOR. His *Award*, given at Therapia, June 12th, 1891, was to the effect that the goods be retained by the Persian Government, that it pay to the owner, M. Consonno, 78,000 francs, and that the two Governments pay the expenses between them.

References: *Moore*, V. 5019, 5020; *P.I.*, pp. 342, 343.

150. **GERMANY and GREAT BRITAIN, in 1890.** *Boundary of Walfisch Bay.* The Port or Settlement of Walfisch Bay, South-West Africa, was taken possession of by Great Britain on March 12th, 1878. On September 5th, 1884, the West African coast from 26 degrees south latitude up to Walfisch Bay, and from there northward to Cape Frio, was taken under the protection of the German Empire. By an Agreement, signed at Berlin, *July 1st*, 1890, it was stipulated (Art. 3) "that delimitation of the Southern boundary of the British territory of Walfisch Bay is reserved for Arbitration, unless it shall be settled by the consent of the two Powers within two years from the date of the conclusion of this Agreement." The settlement had not taken place in July, 1894; we do not know whether it has since.

References: *Hertslet*, *Map of Africa*, etc., I. 358-360, II. 646; *Hazell's Annual*, 1891, p. 15; *Hertslet*, *Complete Collection*, etc., XVIII. 457; *P.I.*, pp. 601, 602.

151. **FRANCE and GREAT BRITAIN, in 1890.** *Niger and Gold Coast Boundaries.* By a *Declaration*, exchanged between the British and French and signed at *London*, *August 5th*, 1890, a JOINT COMMISSION was appointed, two on each side, in order to settle the details of the boundary line between their possessions in West Africa. This instrument was approved by the two Governments September 14th, 1891. The Commission, which consisted of Messrs. E. H. Egerton (later E. C. H. Phipps) and J. A. Crowe, and MM. G. Hanotaux and J. Haussmann, met in Paris, and by an Agreement, signed June 26th, 1891, laid down

instructions, both for the Technical Commissioners appointed to delimit on the spot the middle and upper Niger Districts, and also for those to do the same on the Gold Coast. The latter Commission having failed in its task, the Special Commission, by another Agreement, signed at Paris July 12th, 1893, fixed the line of frontier in that region. This "Arrangement" was accepted by the two Governments "as completing and interpreting Sect. 1 of Art. 3 of the Agreement of August 10th, 1889, which concerns the delimitation of the British and French Possessions of the Gold Coast, and the concluding paragraph of the Agreement of June 26th, 1891," dealing with the same.

References: Parl. Papers, Treaty Series, No. 13, 1893; Hertalet, *Map of Africa*, etc., II. 572-574, 589-591.

152. FRANCE and GREAT BRITAIN, in 1890. *Boundary Settlement.* This was in reference to the sphere of influence of France to the South of her Mediterranean Possessions, up to a line from Say, on the Niger, to Barraua, on Lake Tchad, drawn in such a way as to comprise all that fairly belongs to the Kingdom of Sokoto. By the *Anglo-French Agreement*, signed at London, August 5th, 1890, it was referred to a SPECIAL JOINT COMMISSION, consisting of two Commissioners from each country, who were to meet at Paris "in order to settle the details of the above-mentioned line." This Agreement was approved by the British and French Governments, September 14th, 1891. The Commission, as related in another connection, met, and, June 26th, 1891, "an Agreement was signed at Paris by the Commissioners thus appointed, giving *their decision*" in a general form leaving the delimitation to be completed by a special Technical Commission.

References: Hertalet, *Complete Collection*, etc.; *Map of Africa*, etc., II. 572, 573; Hazell's *Annual*, 1891, p. 14; *Statesman's Year Book*, 1897, p. 194.

153. GREAT BRITAIN and UNITED STATES and PORTUGAL, in 1890. *Railway Concessions.* In the summer of 1889 the Portuguese Government seized the DELAGOA BAY RAILWAY, which was constructed under a concession granted to Mr. Edward MacMurdo, an American citizen, by the Portuguese Government, and annulled its charter. The object of the Arbitral Reference was to determine the Amount of Compensation. By identical notes addressed to the President of Switzerland on August 13th, 1890, that country was asked to appoint three eminent Swiss Jurists, as ARBITRATORS. M. Joseph Blaesi, M. Andreas Heusler, and M. Charles Soldau, were named as Arbitrators by President Ruchonnet, September 15th, 1890. A Protocol to govern and regulate the submission was signed June 13th, 1891, and the Commissioners held their first meeting at Brunnen, August 3rd, 1891, when they drew up rules of procedure, and made other arrangements for the conduct of the Arbitration. All the pleadings were filed by the parties interested, and all the proofs laid before the Tribunal, prior to March 31st, 1896. On that day an expert was appointed, and the number of experts was increased to three on May 13th, 1896. The experts returned from Africa, and were said to have made their report, prior to December, 1899; but the Award of the Tribunal was not given until March 29th, 1900. By this *Award*, which was unanimous, Portugal was ordered to pay to the United States and Great Britain 15,314,000 francs (Swiss currency), in addition to the £28,000 paid on account in 1890, together with interest at the rate of 5 per cent. per annum from June 25th, 1889, up to the day of payment. At noon, November 21st, 1900, the amount of the Award, reaching nearly a million pounds, was paid at the Bank of England to Mr. W. L. F. G. Langley, for England, and Mr. Henry White, for the United States.

References: Parl. Papers [C. 5908], *Africa* No. 1, 1890, etc.; *Sentence Finale du Tribunal Arbitral du Delagoa* (200 pp.), Berne, 1900; MSS. Dept. of State, U.S.; S.P., p. 4; Revon, p. 320; Dreyfus, pp. 187, 188; Hazell's *Annual*, 1891, pp. 207, 536; 1892, 231; Moore, II. 1865-1899; P.I., pp. 397-410.

154. GREAT BRITAIN and HAYTI, in 1890. *Various Claims.* These were claims arising on or after August 5th, 1888, of British subjects against Hayti for supplies, loans, damages and injuries, and services. By a *Protocol*, concluded in 1890, it was agreed to submit these claims to a MIXED COMMISSION,

consisting of a British subject, a Haytian citizen, and an Umpire, to sit at Port-au-Prince. This Mixed Commission was specially empowered to decide regarding the fires at Port-au-Prince on July 4th and 7th, 1888. The Commission thus provided for was in session at that city in July, 1892, but the result has not been ascertained.

References: U.S. MSS., No. 102, Dip. Series, July 22nd, 1892; Moore, V. 4947, 4948.

155. **FRANCE** and **HAYTI**, in 1890. *Similar Claims* against the Haytian Government on the part of French subjects. Under a *Protocol* similar in terms, these were adjusted by a MIXED COMMISSION at Port-au-Prince. This Commission also was in session in July, 1892.

References: Moore, V. 4864, 4865.

156. **FRANCE** and **VENEZUELA**, in 1891. *Denial of Justice*. The question at issue involved the responsibility of the Venezuelan Government in a private lawsuit—that of a French contractor, M. Antoine Fabiani, with his wife's relatives. The verdicts of the Venezuelan Law Courts had been given in his favour, but the authorities placed obstacles in the way of his obtaining their awards, for which he demanded an indemnity. After exhausting, during the years 1867-1885, all ordinary means of procuring justice, the claimant secured the intervention of the French Government, and by a *Convention*, signed at *Caracas*, *February 24th*, 1891, the case was referred to the President of the Swiss Confederation, who was authorised, by the Federal Council, to accept the post of ARBITRATOR under a *Convention*, November 1st, 1892. The *Award* of the Federal Council, which was given on December 30th, 1896, by President Adrien Lachenal, recognised the justice of Fabiani's claim, and fixed the indemnity which the Venezuelan Government had to pay him at 4,346,656.51 francs, instead of 46,000,000, as demanded. This Arbitration required the solution of numerous points involving questions of both public and private International Law and Civil Law; and the *Award*, which adduces ample explanations valuable for the guidance of Arbitrators, will probably be classed as a document of the highest international value.

References: *Différend Franco-Vénézuélien Jugement Arbitral*, Genève, impr. centrale; N.R.G., 2me Série, XX. 706; Moore, V. 4878-4915; P.I., pp. 343-369.

157. **FRANCE** and **GREAT BRITAIN**, in 1891. *Fishery Dispute*. The French fishery rights on the Coast of Newfoundland date back to the Treaty of Utrecht, of March 13th, 1783, and have been the subject of a number of Treaties and the cause of many disputes since. By an Arrangement between the two Governments, signed on *March 11th*, 1891, it was referred to an ARBITRATION COMMISSION of seven, two representatives of each Government, and three specialists. These latter were: M. de Martens, Professor of Law at the University of St. Petersburg; M. Rivier, formerly Member of the Supreme Court of Brussels, and President of the Institute of International Law; and M. Gram, Swiss Consul-General in Norway. The Colonists and the Government of Newfoundland, however, strenuously objected both to the former *modus vivendi* and to Arbitration. France, too, declined to proceed with the Arbitration. Consequently nothing came of the Agreement, and the difficulty has continued, threatening at intervals, one acute stage after another, until it was finally settled by the Anglo-French Agreement, signed at London, April 9th, 1904.

References: J. Cruchon, *Annales de l'Ecole libre des sciences politiques*, 1891, pp. 488-497; Geffcken, *Revue de Droit Int.*, 1890, pp. 217-220; *Archives diplomatiques*, 1891, II. 108, III. 260, IV. 69; *Livre Jaune de 1891*; *Supplément au journal le Temps*, du 17 Mars 1891; *Memorial Diplomatique*, 28 Mars 1891 et 21 Mai 1891; Rouard de Card, 186-183; Revon, pp. 823-826; Dreyfus, pp. 186, 187; *Parl. Papers* [C. 6708]; Moore, V. 4989; P.I., p. 869.

158. **GREAT BRITAIN** and **PORTUGAL**, in 1891. *Differences in East Africa*. On *June 11th*, 1891, a *Convention* between these two Powers was signed at Lisbon, and, by this, Arbitral provisions were made for questions and difficulties which might arise between them in the neighbourhood of the Zambesi in South Africa.

(1) By Art. 4 a BOUNDARY COMMISSION was appointed, as related later.

(2) Art. 9 provided that "for deciding on the validity of mineral concessions

on the frontier, south of the Zambesi, a TRIBUNAL of ARBITRATION is to be named by common agreement."

(3) Art. 11 stipulated that differences of opinion between the two Governments in regard to the execution of their respective obligations, arising out of their arrangements in regard to trade and navigation, shall be referred to the ARBITRATION of two experts, who shall, in case of difference, select an umpire, whose decision shall be final, but if they cannot agree on an umpire, the selection shall be made by a neutral Power to be named by the two Governments.

(4) Freedom of Trade and Navigation was extended to the Zambesi, and, by Art. 13, any questions arising shall be referred to a JOINT COMMISSION, and in case of disagreement, to ARBITRATION.

(5) Article 15 provides that questions relating to the telegraphic lines shall be submitted to the ARBITRATION of the experts appointed under Art. 11; and that sites, price, and regulations connected with the land leased at the Chinde Mouth of the Zambesi shall be arranged by a Mixed Commission of three—one named by each, and the third by a neutral Power to be named by them—the decision of the majority to be final.

The ratifications of this Treaty were exchanged at London, July 3rd, 1891. It is not known in all cases what has been done to carry out these provisions.

References: Parl. Papers [C. 6370], Africa No. 5, 1891; [C. 6495] Africa No. 7, 1891; [C. 6375], Portugal No. 1, 1891; Hertslet, Complete Collection, etc., XIX. 777; Hazell's Annual, 1892, pp. 15, 17, 609-611; Brit. and For. State Papers, LXXXIII. 883-894; Hertslet, Map of Africa, etc., II. 731-742; P.I., pp. 370, 371.

159. **ITALY and PORTUGAL, in 1891.** *Action of Port Authorities.* This case involved the claims of an Italian subject, Michelangelo Lavarello, against the Government of Portugal for damages alleged to have been caused by the Sanitary Authorities of St. Vincent, Cape Verde, by refusing pratique to the steamer "Adria," on August 28th, and again on October 16th, 1884. By an *Arbitration Convention*, signed at *The Hague, September 1st, 1891*, this was referred to "a Jurisconsult appointed by the Government of the Netherlands." Dr. Jean Heemskerk was appointed ARBITRATOR, and on March 12th, 1893, gave his *Award* to the effect that the claim was not well founded, except in part, for which the sum of 12,347.68 lire, with compound interest from September 1st, 1891, the date of the Submission, was adjudged to the heirs and assigns of the late Signor M. A. Lavarello. The total claim was for a sum of 164,188.20 lire.

References: Negocios externos, Documentos apresentados ao Cortes, 1891, Secção II., p. 63, and 1893, Secção III.; Moore, V. 5021-5034; P.I., pp. 411-420.

160. **UNITED STATES and VENEZUELA, in 1892.** *Seizure of Ships.* This case referred to a claim, originating in certain transactions in Venezuela on the part of the factions disputing for power in 1871 and 1872, concerning the seizure on the Orinoco, detention, and employment for war purposes in the Venezuelan Civil War, of certain steamships belonging to an American Company (the Venezuela Steam Transportation Company of New York, which was formed on May 14th, 1869), and the imprisonment of their crews, American citizens. After a diplomatic correspondence of twenty years, it was, by a *Convention*, signed at *Caracas, on January 19th, 1892*, referred to a MIXED COMMISSION, consisting of three Commissioners, one from each of the Contracting Parties, and a third belonging to neither, who was to be chosen by the other two, or in default by the Belgian or Scandinavian Minister. The Commission, which was to give its decision within three months, met at Washington on October 27th, 1894. The Commissioners were Mr. Noah L. Jeffries, Señor José Andrade, and the Umpire Señor Don Matías Romero, Mexican Minister at Washington, who resigned and was succeeded by Mr. A. Grip, Minister of Norway and Sweden. An *Award* was made at Washington March 26th, 1895, in favour of the United States, from which Señor Andrade dissented, and published a solemn protest against it. The amount awarded was 141,500 dollars, without interest.

References: N.R.G., 2me Série, XXII. 263; Documentos (relating to the case), Publicacion Oficial, Caracas, 1890; Dip. Cor., U.S., 1868, Part 2, p. 934, etc.; Congress Papers, U.S., 50 Cong., etc.; De Card, pp. 170, 171; Dreyfus, p. 183; Revue de Droit Int., 1891, pp. 76, 83; S.P., p. 4; Moore, II. 1693-1732, III. 2238, 2239, V. 4818-4820; P.I., pp. 420-422.

161. GREAT BRITAIN and UNITED STATES, in 1892. *The Behring Sea Seal Fisheries.* The question of jurisdictional rights in the Behring Sea was one that reached as far back as the Imperial Ukase, or Edict, of July 8th, 1799, by which Paul I. of Russia granted to the Russian-American Company its first charter. The differences arising therefrom in connection with the seal fisheries reached an acute stage through the seizures of ships by American cruisers in the years 1886, 1887, and 1889. In consequence, a *Convention* was signed at *Washington, February 29th, 1892*, by which all differences arising in connection with the Fur Seal Fishery were referred to a COMMISSION of seven members—two to be chosen by each Party, and one each by France, Italy, and Norway and Sweden. The Commissioners chosen were: Baron de Courcel, representing France (President of the Court); Lord Hannen and Sir John Thompson, Great Britain; Judge John T. Harlan and Mr. J. T. Morgan, United States; the Marquis Visconti Venosta, Italy; and Herr Gregers Gram, representing Sweden and Norway. The Court met in Paris, on February 23rd, 1893, and, on August 15th, 1893, gave a divided *Award*, mainly in favour of Great Britain:—Against the United States, claim of pelagic ownership; in favour of the United States, admission of the necessity for regulation of pelagic sealing and of their proposals for doing so. The damages claimed by Great Britain amounted to 542,169.26 dollars, without interest. A sum of 425,000 dollars was paid, which was dispensed by a Mixed Commission (which see).

References: Parl. Papers [C. 7107], U.S., No. 1, 1893, etc.; Brit. and For. State Papers; N.R.G., 2me Série, XVIII. 592, XXII. 557; Hertlet, Complete Collection, etc., XIX. 925; Papers relating to Behring Sea Fisheries, U.S.; Congress Papers, U.S., Fur Seal Arbitration, 12 vols.; De Card. pp. 153-158; Cori, Arb. Int., p. 208, etc.; Dreyfus, pp. 188, 189; Mérignac, pp. 126-141; Bonfilis, p. 584, etc.; Despagnet, p. 708; Revon, p. 320; Revue de Droit Int., 1890, p. 229, 1891, p. 238, 1893, p. 432, 1894, pp. 49, 386; Journal de Droit Int. Pr., 1893, p. 1259, 1894, p. 36; Memorial Dip., January 10th, 1891, p. 20; Revue Gen. de Droit Int. Pub., 1894, p. 35; De Martens, Traité de Droit Int., I. 465; State Papers For. Rel., U.S., 1890, 1891; S.P., p. 4; Moore, I. 755-961, II. 2123-2131, V. 4759-4767; P.I., pp. 422-437, etc.

162. FRANCE and GREAT BRITAIN, in 1892. *Greffülhe Concessions.* The exclusive mintage of the Zanzibar coinage had been conceded to M. Henri Greffülhe for a period of twenty years, by a contract entered into between him and the Sultan, on December 14th, 1883. In 1886, however, the latter granted concessions to German and English East African Companies, and they believed that by the terms of their charters they were authorised to introduce into the territories held by them, money of their own coining. The French Government protested against this illicit action to the English Government, which, on establishing its protectorate over Zanzibar, had undertaken to respect and protect the rights of French subjects. The Arbitration was to ascertain the amount (if any) of damages due to M. Greffülhe, who claimed £40,000 for the loss sustained and £60,000 for the revision of the Contract. On June 11th, 1892, Mr. Richard Biddulph Martin, M.P., was invited by both Governments to act as ARBITRATOR, without power of appeal. His *Award* was given July 19th, 1893, in favour of M. Greffülhe, and adjudged "due to M. Greffülhe and his associates for the loss" they sustained, "and for the cancelling and surrender of the Contract, the sum of £23,500."

References: H. B. Martin, *Award and Communications* of January 19th, 1897, and July 5th, 1904; H. La Fontaine, *Histoire Sommaire*, etc., No. 135, pp. 57, 58; P.I., 618; Moore, V. 4989.

163. CHILI, FRANCE, and PERU, in 1892. During the war between Chili and Peru, by a "Supreme Decree" of February 9th, 1882, Chili directed the sale of a million tons of guano from deposits situated in Peruvian provinces conquered by her. By Art. 13 of the Decree it was provided, that the money for which the guano was sold, should be equally divided between the Chilean Government and Peruvian Bondholders; by Art. 14 that a Board of Arbitrators should be constituted to liquidate the claims of the creditors in question; and by Art. 15 that, if within a period of 180 days, the Arbitrators shall not be appointed by common accord with the creditors, Chili would appoint them directly. Finally, by Art. 16 of the Decree it was declared that the Chilean Government would deposit a sum equivalent to the moiety destined for the Peruvian creditors in the Bank of

England. The Treaty of Peace, signed at Ancon, October 20th, 1883, in Arts. 4, 6, and 7, confirmed the Decree of February 9th, 1882. The Arbitrators, however, were not appointed by common accord within the prescribed period, nor did Chili afterwards appoint them alone. On the other hand, following after an Agreement, signed between them at Santiago, January 8th, 1890, called the Elias-Castellon Protocol, in which the previous stipulations for Arbitration were not mentioned, Chili and Peru found themselves in disagreement as to the effect of that omission. Meanwhile France was pressing upon Chili the payment of certain claims connected with the matter. By a *Protocol*, concluded at Santiago, July 23rd, 1892, it was decided between the Governments of France and Chili to refer the matter to the ARBITRATION of the President of the Swiss Federal Tribunal, or to that body in its entirety. The Peruvian Government hereupon disputed their competency to settle it without its intervention. In June, 1893, the three contending parties addressed to Switzerland a formal request for Arbitration, which was acceded to March 24th, 1894. The Arbitral Court was then composed of three members of the Federal Tribunal, viz., Dr. Hafner, President, and Judges Broye and Morel, who were to decide the procedure to be adopted, and all questions which should arise, and to determine all the conditions of the Arbitration. These terms were accepted by all the interested Governments, including those of Chili, France, Great Britain, and Peru, and the Tribunal was duly constituted. Its *Award*, which covered 241 pages of folio, was given at Berne on November 17th, 1901, in favour of the claimants, and against the Chilian Government. The Court at its close consisted of the following judges: Doctors Hafner, Saldate, and Lienhard.

References: *Mem. del Ministerio de R.E., Peru*, 1891 app., 1896, pp. 402, 460, 479; *Peru, Coleccion de los Tratados*, IV. pp. 656, 720; *Recopilacion de Tratados*, etc., Chili, 1894, II. 366; *Arbitrage Franco-Chilien*: *Memoire*, etc. (Lausanne, 1897, 2 vols.); *Rapport du Département Fédéral des Affaires Etrangères* (de Suisse), etc., en 1893, p. 30, 1894, pp. 39; *Memoria del Ministro*, etc., de 1894; *Gaspar Toro, Notas*, etc., pp. 125, 126; *U.S. For. Rel.*, 1883, pp. 731, 732; *Moore*, V. 4863, 4864; *P.I.*, pp. 594-601.

164. **CHILI and UNITED STATES, in 1892.** *Mutual Claims.* These, amounting to 385 in number, mostly arose out of acts committed in the course of the wars of 1879-1882 and 1890-1891. (a) By a *Convention*, signed at Santiago, August 7th, 1892, they were referred to an ARBITRAL COMMISSION of three members, one chosen by the President of each Republic and a third by common agreement, or in default of this by the President of the Swiss Confederation. The Commission, as thus appointed, consisted of two Arbitrators, Mr. John Goode (U.S.) and Mr. Domingo Gana, the Chilian Minister at Washington; and an Umpire, Dr. Alfred de Claparède, Swiss Minister at Washington, who was appointed by the Swiss Federal Council in the latter capacity. The Commission met at Washington, under the presidency of the Umpire, and dealt with claims amounting to £3,877,000, allowing only £48,000 (240,564.35 dollars) against Chili, sixteen claims involving a total of £1,800,000 not having been dealt with, and two against the United States. It held its last session, the time for which it was appointed having expired, April 9th, 1894, and a *Final Award*, together with a comprehensive report of its proceedings were presented to Mr. Gresham, Secretary of State, on April 30th, 1894. (b) The unsettled claims had still to be dealt with, and by another *Convention*, signed at Washington, May 24th, 1897, and ratified March 12th, 1900, the *Convention* of August 7th, 1892, was revived and the Commission reappointed. In July, 1900, the President of the Swiss Confederation appointed Dr. J. B. Pioda, the new Swiss Minister at Washington, as Umpire, in place of his predecessor, Dr. Alfred de Claparède, who had been accredited to Vienna. This is the latest information we possess.

References: *Am. State Papers*, *For. Rel.*, 1888, I. 180; *N.R.G.*, 2me Série, XXII. 339; *Printed Minutes of the Commission*; *Brit. and For. State Papers*, LXXXIV. 600-604, XCII. 1123-1125; *Corr. Bimen.* June 26th, 1900; *S.P.*, p. 5; *Moore*, II. 1469-1484, III. 2231-2235, 2938, etc., IV. 3255, etc., V. 4691-4694; *P.I.*, pp. 474-478.

165. **ECUADOR and UNITED STATES, in 1893.** *Alleged Illegal Arrest.* An American citizen, Mr. Julio Romano Santos, of Bahia, had been arrested in

December, 1884, on a charge of complicity in a revolutionary movement, and imprisoned in Guayaquil. After various negotiations the matter was, by *Convention*, signed at *Quito*, *February 28th*, 1893, submitted to Arbitration, the British Minister at Quito, Mr. Mallet, being requested to act as ARBITRATOR, or, since he was on the point of removing, that he or his successor should name an Arbitrator. Mr. Jones, who succeeded him, nominated Mr. Alfred St. John, British Consul at Callao, as Arbitrator. Before he had completed his examination of the evidence submitted to him, the parties agreed upon an award of 40,000 dollars to M. Santos. Mr. St. John agreed to put this arrangement on record, and stated in his *Award*, given at Lima September 22nd, 1896, that the parties having solicited sentence in favour of the claimant, he decided that Ecuador should pay 40,000 dollars in gold to the United States Government, in four half-yearly dividends of 10,000 dollars.

References: N.R.G., 2me Série, XXII. 375; Am. State Papers For. Rel., 1896, pp. 108, 109; Brit. For. Office Communication, February 11th, 1897; Brit. and For. State Papers, LXXXVI. 1174-1177, LXXXVIII. 552; Annuaire de Législation Etrangère, 25 Année, Paris, 1896, p. 821; Gaspar Toro, Notas, etc., p. 126; Moore, II. 1579-1592, V. 4718-4715; S.P., p. 5; P.I., pp. 449-451.

166. **AFGHANISTAN, GREAT BRITAIN, and RUSSIA, in 1893.** *Boundary Differences.* This dispute arose with reference to the N.W. Frontier of Afghanistan, and related to an alleged infraction of the stipulations of Clause 3 of Protocol 4, of July 22nd, 1887, which determined the use, by Afghans and Russians respectively, of the waters of the River Kuskh for irrigation and other purposes. In 1893 the two Governments came to an understanding to refer the dispute to an Anglo-Russian JOINT COMMISSION, and on March 28th, 1893, instructions were sent to Colonel Yate, Her Majesty's Representative at Penjdeh, who was appointed British Commissioner. The Russian Commissioner was M. V. Ignatieff. The work occupied three and half months and was completed on September 3rd, 1893.

References: Parl. Papers [C. 5235] and Information supplied by the Government India Office, London, June 15th, 1904.

167. **CHILI and GREAT BRITAIN, in 1893.** *Results of Civil War.* A number of claims of British subjects were made against Chili, for damages incurred in the Chilian Civil War of 1891. These were referred by a *Convention*, concluded at *Santiago*, *September 26th*, 1893, and ratified, at the same place, April 24th, 1894, to a MIXED COMMISSION, to consist of a member appointed by each Government, and a third appointed by both jointly, but belonging to neither, and in case of their disagreement, by the King of the Belgians. Her Britannic Majesty appointed Mr. Lewis Joel, who was succeeded in December, 1894, by Mr. Alfred St. John, British Consul at Callao; the President of Chili appointed Señor Luis Aldunate, and the King of the Belgians named Mr. Camille Janssen. The Mixed Commission held their first meeting in Santiago, elected Mr. Janssen President, and adopted rules of procedure, October 24th, 1894, but began the work of adjudication August 28th, 1895. There were 103 claims, amounting to £259,431. These were variously dealt with. Sums amounting to £17,852 were awarded, and a lump sum was ultimately paid by the Chilian Government for all claims outstanding at the last session of the Commission, March 6th, 1896.

References: N.R.G. 2me Série, XXI. 649, 652; Hertslet, Complete Collection, etc., XIX. 142; State Papers For. Rel., U.S., 1896, pp. 35-38; Brit. and For. State Papers, LXXXV. 22-25, LXXXVI. 133, 172, 173; Reclamaciones presentados al Tribunal Anglo-Chileno, 1894-1896, 4 vols.; Moore, V, 4930-4936; P.I., pp. 451-459.

168. **GREAT BRITAIN and SOUTH AFRICAN REPUBLIC, in 1894.** *Question of Immigration.* The South African Republic had, in 1885 and 1886, imposed a law regulating the immigration of Arab coolies, Malays, and Turks, which the English Government insisted was not applicable to the natives of the British East Indies, according to Art. 14 of the Convention signed at London by the two Governments, February 27th, 1884. By a *Letter*, written March 21st, 1894, the High Commissioner at the Cape accepted, on behalf of the English Government, the reference of the question to the Chief Justice of the Orange Free State.

This was accepted in turn by the Transvaal Republic, in a Resolution of the Volksraad, adopted June 11th, 1894. The *Award* of the Arbitrator was given at Bloemfontein, April 2nd, 1895, in favour of the Transvaal.

References: Groenboek, 1894, II. 92, 1899, III. 3, 22-58; P.I., pp. 459-474.

169. **HONDURAS and NICARAGUA, in 1894.** *Boundary Dispute.* The purpose of this arbitral reference was the settlement of the boundary between the two countries. Its peculiarity lies in the fact that Arbitration was in the first instance only secondary. By a *Boundary Convention*, signed at Tegucigalpa, October 7th, 1894, the demarcation of the frontiers was entrusted to a Mixed Commission, with the stipulation that in the case of disagreement between the Commissioners recourse should be had to an ARBITRAL TRIBUNAL of three members, the first and second appointed respectively by the Contracting Parties, and the third chosen by the two others from the accredited diplomatic body at Guatemala. In the case of the refusal to act of the third Arbitrator thus chosen, the questions in dispute were to be submitted to the Spanish Government, or to one of the other South American Governments. In the month of November, 1899, the Arbitral Tribunal was constituted, and the Mexican Minister was chosen third Arbitrator. The work of the Mixed Commission then began in the month of February, 1900, and proceeded normally.

References: *Tratados celebrados por el Gobierno de Honduras*, 1895, p. 29; Romero Giron, *complemento*, Apéndice III, 1896, p. 461; Gaspar Toro, pp. 144-145; P.I., pp. 478-480.

170. **CHILI and FRANCE, in 1895.** *Injuries in Civil War.* By a *Convention*, signed at Santiago, October 19th, 1894, expressed in substantially the same terms as the Anglo-Chilian Convention of September 26th, 1893, which was confirmed by an additional Convention of October 13th, 1895, it was agreed, that the claim of French citizens against Chili, growing out of the Civil War in the latter country, of 1891, and the subsequent events, should be referred to a MIXED COMMISSION of three members. But by an Agreement, signed at Santiago, February 2nd, 1896, the two Governments *settled* the claims *directly*, and so dispensed with the Arbitration. The sum total of the claims was upwards of 1,000,000 francs. The French Government accepted in discharge of them the sum of £5,000, or about 125,000 francs.

References: U.S. MS. Despatches from Chili. No. 47, October 24th, 1895; Am. State Papers, For. Rel., 1896, p. 42; N.R.G. 2me, Série, XXIII. 152, 155, 281; Moore, V. 4862, 4868; P.I., pp. 480-485.

171. **GREAT BRITAIN and PORTUGAL, in 1895.** *Boundary Dispute.* This was a question of differences with regard to the frontiers of Manica-land. By the Treaty, signed at Lisbon, June 11th, 1891, and ratified July 3rd, 1891, which defined the spheres of influence of both countries, it was agreed that the limits should be decided by an Anglo-Portuguese Commission, with Umpire if necessary. In the month of June, 1892, the Commissioners of the two Governments endeavoured to trace the boundary line according to the stipulations of the Treaty, but a difference having arisen between them, the settlement was referred to their Governments. By a *Declaration*, signed in London January 7th, 1895, the question was submitted to the Italian Government, by whom Count Vigliani, a distinguished lawyer, who was Minister of Justice and President of the Italian Court of Appeal, was appointed ARBITRATOR. His *Award* was given at Florence on January 30th, 1897, and is a long and valuable document. The decision, which fixed the delimitation of the frontier, was partly in favour of each. Signor Vigliani was created a G.C.M.G. by Queen Victoria in acknowledgment of the services rendered by him as Arbitrator.

References: *Délimitation de la Frontière Anglo-Portugaise: Arrêt de l'Arbitre*, Florence, 1897; Parl. Papers [C. 8484]; State Papers, LXXXIII. 27-41, LXXXVII. 71-74, LXXXIX. 702-751 (Award, 714); Moore, V. 4985-5015; P.I., pp. 485-504.

172. **GUATEMALA and HONDURAS, in 1895.** *Frontier Delimitation.* This question, similar to those which had arisen between Honduras and Nicaragua (October 7th, 1894), and Honduras and Salvador (January 19th, 1895), was settled in the same way. By a *Convention* signed at Guatemala, March 1st, 1895 (similar

to the above), the delimitation of the frontier was entrusted to a MIXED COMMISSION, composed of an equal number appointed by each. But a subsidiary arrangement was also made, that in the case of disagreement between its members, and the failure to reach an understanding on the part of the Governments, recourse should be had to the ARBITRATION of the President of Salvador, Nicaragua, or Costa Rica (in this order), or in default of this to the Arbitration of the King of Spain, or of the President of one of the South American Republics. What action has been taken to carry out these provisions we do not know.

References: Romero Giron, *Complemento*, etc., Apéndice III, 1896, p. 467; *Tratados Celebrados por el Gobierno de Honduras*, 1895, p. 59; Gaspar Toro, *Notas*, etc., pp. 146, 147; P.I., pp. 506-508.

173. **GUATEMALA and MEXICO, in 1895.** *Military Occupation.* This question was closely connected with that of the delimitation of the frontiers. The Guatemalan Government had occupied by force of arms the territory on the left bank of the Rio Lacantum. Although its right to the possession of this territory had been ultimately recognised, it had, nevertheless, consented to indemnify the Mexican citizens who had suffered from the occupation. By Art. 2 of a *Treaty of Arbitration and Boundaries*, signed at Mexico, April 1st, 1895, the question of indemnity was submitted to an ARBITRATOR, to be chosen by the two Parties; and by a joint request of May 26th and 28th, 1895, the Spanish Minister in Mexico was invited to act as Arbitrator. His task was completed on January 15th, 1898, when he *Awarded* a total sum of 86,659.80 piastres, the original amount of claim having been 1,861,543.57 piastres.

References: Romero Giron, *Complemento*, Apéndice III., 1896, p. 466; *Cuestiones entre Guatemala i Méjico*, Coleccion de Articulos, Guatemala, 1895, p. 13; *Memoria ... Ministerio de R.E. Guatemala*, 1896, Anexo V. p. 1; *Boletín Oficial de la Secretaría de R.E. Mexico*, V. 292-316; *Tratados de Guatemala*, p. 322; Gaspar Toro, *Notas*, etc., pp. 143, 144; *Tratados y Convenciones Vigentes*, Mexico, 1904, p. 429; P.I., pp. 508, 509.

174. **GREAT BRITAIN and HOLLAND, in 1895.** *Illegal Arrest.* The question in this case was that of indemnity for the ship "Costa Rica Packet," which was seized by the Dutch authorities at Ternate, in the East Indian Archipelago, November 2nd, 1891, on a technical charge of piracy, and of the arrest and detention of the captain, Mr. Carpenter. According to the terms of the *Convention*, signed at the *Hague*, May 16th, 1895, referring the question to an ARBITRATOR, the Emperor of Russia, in September, 1895, by request of the two Governments, named M. de Martens, Councillor of State at St. Petersburg, as Arbitrator. His *Decision*, dated February 25th, but announced March 1st, 1897, awarded £8,550, with interest at 5 per cent., from November 2nd, 1891, to be paid by the Dutch Government, together with a further sum of £250 as costs. On March 3rd, 1897, the Dutch Minister in London, Baron Van Goltstein, transmitted to the British Government, in payment of the Award, the sum of £11,082. 7s. 6d., the receipt of which was, on the same day, duly acknowledged by Lord Salisbury.

References: Parl. Papers [C. 8428], Commercial, No. 3, 1897; *London Times*, December 26th, 1894, and March 3rd, 1897; Moore. V. 4948-4954; P.I., pp. 509-512.

175. **HAYTI and SAN DOMINGO, in 1895.** *Frontier Delimitation.* The object of this Arbitration was the definitive delimitation of the frontier between the two States. By Art. 4 of a Treaty, signed on November 9th, 1874, the two parties formally engaged to settle the lines of their mutual boundary in the way most conformable to equity and to the interests of both States, and to appoint Commissioners to conclude a special Treaty with that object. By an *Arbitration Convention*, signed at Santiago, July 3rd, 1895, the question was referred to His Holiness, Pope Leo XIII., as Arbitrator, and Commissioners were sent to Rome to present their respective claims, and were received at the Vatican. A despatch, dated January 24th, 1897, announced that the Pope had declined to act in view of the claims formulated by the Haytians, but subsequent reports still speak of the matter as under reference to His Holiness, others that he declines to proceed because of the form of the reference. No certain information seems obtainable.

References: N.R.G., 2me Série, XXIII. 79, XXVII. 17; Moore, V. 5018; P.I., pp. 602, 603; Letter from Dominican Consulate, January 4th, 1897.

176. CHILI and NORWAY and SWEDEN, in 1895. *Results of Civil War.* This was a question of the claims of subjects of Sweden and Norway against Chili arising out of the Chilian Civil War of 1891. By a *Convention*, signed July 6th, 1895, between Chili and Sweden and Norway, and ratified and promulgated, September 16th, 1895, it was agreed to refer these to the Anglo-Chilian TRIBUNAL mentioned above. Two such claims were submitted; the Tribunal gave judgment on one of them in favour of Chili, and declared itself incompetent to recognise the other. The Records of the various claims (British and Scandinavian) and the *Awards* of the Commission were edited by Mr. Martinez, and printed by the Chilian Government.

References: Reclamaciones presentados al Tribunal Anglo-Chileno, 1894-1896, 4 vols.; Despatch No. 42, U.S., September 21st, 1895; Memoria del Ministro de Relaciones Exteriores, 1895, p. 45; State Papers, LXXXVII. 987-989; Moore, V. 4935, 4936; P.L., p. 516.

177. BOLIVIA and PERU, in 1895. *Military Occupation.* This was a claim of Bolivian Government, arising from the invasion of Bolivian territory, on three separate occasions, during the late Peruvian civil war, 1890, on Lake Tituaca, at Berenguela, and at Desaguadero. Monsignor Macchi, Apostolic Delegate to Peru, and the French, Italian, and Colombian Ministers at Lima, secured, through their interference, a reference to Arbitration. By a *Protocol*, signed at Lima, August 26th, 1895, it was agreed to refer to the Arbitration of some South American Government the question whether Peru should salute the Bolivian flag as part of the reparation for her acts, and on September 7th, 1895, a further Protocol to that effect was signed at Lima, designating Brazil as Arbitrator, or, in case of refusal, Colombia. In the month of January, 1897, the Arbitrator was officially introduced to his mission by the Peruvian Minister to Brazil, and after that questions of procedure delayed the progress of the case. The final result is not known.

References: Legacion del Peru in London, Communication February 5th, 1897; Memoria de Relaciones Exteriores, Bolivia, 1895, p. 401; Moore, V. 5041; P.L., pp. 603, 604.

178. GREAT BRITAIN and NICARAGUA, in 1895. *Injury to Property and Goods.* This case dealt with alleged personal injuries to British subjects, including Mr. Hatch, Vice-Consul at Bluefields, and others, in the Mosquito Reserve, at the time of a war between Nicaragua and Honduras in December, 1893, and, as stated in the Convention, "owing to the action of the Nicaraguan authorities in the course of the year 1894." The claim also included the seizure of the schooner "Anglia" by Nicaraguans. The British, on February 26th, 1895, sent an ultimatum claiming an indemnity of £15,500, and the cancelling unconditionally of the decrees of exile. Nicaragua submitted to the British ultimatum so far as to pay the indemnity. The rest of the ultimatum was, by a Convention, signed at London, November 1st, 1895, referred to a Mixed Commission, composed of a British Representative ("who must be well acquainted with the Spanish language"), a Nicaraguan Representative ("who must be well acquainted with the English language"), and a jurist, not a citizen of any American State. This third person, who should be President of the Commission, was to be selected by agreement between Great Britain and Nicaragua, or, failing such agreement, by the President of the Swiss Confederation. This Convention was never carried out, owing to an arrangement having been come to for the settlement of the question in dispute through the payment by Nicaragua of a lump sum, which, in February, 1897, the British Government agreed to accept.

References: Parl. Papers [C. 8103] Treaty Series No. 11, 1896; Am. State Papers For. Rel., 1894, App. 1, 284-363, 1896, 307; Der Bund, May 1st, 1895; Daily News, March 29th, 1895; Evening Bulletin, Philadelphia, U.S., April 18th, 1895; New York Herald, May, 1895; Communication from Brit. For. Office, October 17th, 1900; Hertalet, Complete Collection, etc., XX. 818; Moore, V. 4966; P.L., pp. 516-518.

179. GERMANY and HAYTI, in 1895. *Various Claims.* A communication from Mr. Smyth, U.S. Minister to Hayti, dated May 4th, 1896, conveyed the information that "in 1895 the claims of German subjects against Hayti (arising

on or after August 5th, 1888) were adjusted in the same mode as the similar Claims of British subjects and French citizens; that is, they were referred to, and settled by, a Mixed Commission which sat at Port-au-Prince.

References: Moore, V. 4916.

180. **BRAZIL and ITALY, in 1895.** *Personal Claims.* These claims, which were of various descriptions, and amounting to a considerable sum, were made by the Italian Government on behalf of a number of its subjects who had emigrated to Brazil. By a *Protocol*, signed at *Rio de Janeiro, December 3rd, 1895*, these were referred to the President of the United States as **ARBITRATOR**. This Protocol was supplemented by another, which was more detailed, signed in the same city on *February 12th, 1896*. This Convention, however, required the sanction of the Brazilian Congress and the approval of the Italian Government. The Congress declined to sanction; the Foreign Minister resigned, and his successor settled the matter directly by the allowance of a certain sum for all the claims covered by the Protocol. The Agreement by which this was done was signed at Rio de Janeiro, November 19th, 1896, and the amount allowed was 4,000 contos de reis.

References: Relatorio do Ministerio das R.E., 1896, Anexo I. 150, 156; 1897, Anexo III. 44; Brazilian Legation, London, August 2nd, 1900; Moore, V. 5018; P.I., pp. 518-520.

181. **BRAZIL and GREAT BRITAIN, in 1896.** *Annexation.* This was a case of simple **MEDIATION**. The Islet of Trinidad, which lies 700 miles to the East and a little to the South, of Rio de Janeiro, was formally annexed on behalf of the British Government by H.M.'s Ship "Barracouta," in January, 1895. Great excitement in Brazil followed, and sharp diplomatic correspondence took place between the two Governments. Lord Salisbury, for Great Britain, offered to refer the matter to Arbitration. Brazil refused, but ultimately the "good offices" of Portugal were accepted, and when Portugal, after due examination, had placed before the British Government her reasons for the conviction that the island belonged to Brazil, the British Government acknowledged her rights, and the island was, on September 1st, 1896, surrendered to Brazil.

References: Foreign Office, London, Communication February 11th, 1897; London Times, July 24th, 25th, 26th, August 6th, 1896; Herald of Peace, September, 1896.

182. **FRANCE and GREAT BRITAIN, in 1896.** *The Niger Convention.* By an *Agreement*, signed *January 15th, 1896*, a **SPECIAL JOINT COMMISSION** was appointed "to define the boundary between French and English territory in the regions west of the Lower Niger," or, more fully, "in order to draw up, in conformity with the Declarations exchanged at London on August 5th, 1890, and January 15th, 1896, a draft of definitive delimitation," etc. As the result of their labours the Niger Convention was signed at the Quai d'Orsay, on June 14th, 1898, by the Members of this Joint Commission. This Commission had been for some time sitting in Paris, and had succeeded in removing all strain and danger of conflict between the two countries. A Protocol approving the Treaty was also signed on the same day by Sir E. Monson, the British Ambassador, and M. Hanotaux, the French Minister for Foreign Affairs. In this, provision was made for the ratification of this Convention in six months, but on December 8th, 1898, a further Protocol was signed at Paris, extending the period of ratification for another six months, dating from December 14th, 1898. The ratifications were exchanged June 13th, 1899. The provisions of this Convention were completed by a Declaration, signed at London, March 21st, 1899, the ratifications of which were exchanged at Paris June 13th, 1899.

References: Parl. Papers [C. 7976], France No. 2, 1896 [C. 9884]. Treaty Series No. 15, 1899; Hazell's Annual, 1897, p. 283; London Times, Daily News, Standard, etc., June 16th, 1898, also of January, 1896; Brit. and For. State Papers, XCI. 47.

183. **GREAT BRITAIN and UNITED STATES, in 1896.** On August 21st, 1894, Mr. Gresham, U.S. Secretary of State, offered as the result of a somewhat extended negotiation, the sum of 425,000 dollars in full and final settlement

of all claims under the Paris Award in the Fur Seal Arbitration. This was accepted by Great Britain, and on *February 8th*, 1896, a *Convention* was concluded at *Washington*, for the appointment of a MIXED COMMISSION, for the purpose of determining the claims of the Canadian Sealers for damages. Any cases on which the Commissioners might be unable to agree were to be referred to an Umpire to be appointed by the two Governments, or if they disagreed, by the President of the Swiss Confederation. The Commissioners appointed were the Hon. Judge G. E. King, of the Supreme Court of Canada, and the Hon. Judge W. L. Putnam, of the U.S. Circuit Court of Appeals. They were so fortunate as to reach a unanimous decision without resort to an Umpire. Their *Award* was signed on December 17th, 1897, the total amount awarded being 473,151.56 dollars. This sum was handed to Sir Julian Pouncefote, on June 16th, by Judge Day, and paid to the Marine Department, Ottawa, August 2nd, 1898.

References: *Parl. Papers* [C. 8101], *Treaty Series*, No. 10, 1896; *H. Ex. Doc.* 132, 53 Cong. 3 Sess.; *S. Doc.* 55 Cong. 2 Sess.; *Hertslet, Complete Collection*, etc., XX. 935; *Corresp. Bimens.*, Berne, July 25th, 1898; *Moore*, I. 960, 961, II. 2123-2131, V. 4764-4767; *P.I.*, pp. 520-526.

184. **BRAZIL and ITALY, in 1896.** *Military Requisitions.* Claims were made by Italian subjects for requisition of animals, merchandise, and valuables, which had been made by the Brazilian Authorities, in the States of Rio Grande do Sul and Santa Catarina, in the course of hostilities against the Federal troops. The Brazilian Government did not contest liability, but disputed the amount. It was agreed, by a *Protocol*, signed at *Rio de Janeiro*, *February 12th*, 1896, that this question should be referred to two ARBITRATION COMMISSIONS; the one for the State of Rio Grande, sitting at Porto Alegre, and the other for the State of Santa Catarina, at Florianopolis, and that they be composed respectively of the Governor of the State and the Italian Consul, with the German Consul as Umpire, if necessary. The former Commission settled 376 claims, and the latter 63. Five of these cases, however, were sent to the Umpire, and these were settled by a direct Agreement, dated June 18th, 1898, for an amount of 59,882.5 Reis.

References: *Relatorio do Ministerio das R. E.*, 1896, *Annexo I.* 151; 1897, p. 150; *Moore*, V. 5018-5019; *P.I.*, pp. 526-528.

185. **COSTA RICA and NICARAGUA, in 1896.** *Boundary Questions.* The boundary between these countries was, as narrated earlier, settled by the Award of the President of the United States, of March 22nd, 1888. But it was not then actually demarcated, and, subsequently, new disputes arose between the parties. By a *Convention*, signed at *San Salvador*, *March 27th*, 1896, through the mediation of the Government of Salvador, after war had been actually declared by Nicaragua, these were referred to a MIXED COMMISSION with an Umpire to be appointed by the President of the United States, in case of difference. This Commission consisted of two Engineers or Surveyors, appointed by each Government, for the purpose of tracing and marking the boundary, "pursuant to the provisions of the Treaty of April 15th, 1858, and the Arbitral Award of the President of the United States." The proceedings would have been those of an ordinary Delimitation Commission but for the fact that the Commissioners having disagreed, Gen. E. P. Alexander was appointed Umpire. He gave an *Award* September 30th, 1897, and, as the work proceeded, further *Awards*, as follows:—A second, at San Juan del Norte, on December 20th, 1897; a third, at the same place, March 22nd, 1898; a fourth, at Greytown, July 26th, 1899; and a fifth at Greytown, March 10th, 1900.

References: *Am. State Papers For. Rel.*, 1896, pp. 100-102, 371; *Romero Giron, Complemento*, etc., *Apéndice*, V., 1897, p. 420; *Memoria de R.E. de Costa Rica*, 1897, p. 28; 1898, pp. 146-227; *Memoria de R.E. de Nicaragua*, 1899, pp. 228, 282; *Monthly Bulletin of the Bureau of the American Republics*, 1897, V. 909, VII. 877, IX. 294-298; *Moore*, II. 1967, 1968, V. 5074-5079; *Gaspar Toro, Notas*, etc., p. 149; *P.I.*, pp. 528-539.

186. **ARGENTINE REPUBLIC and CHILI, in 1896.** *Frontier Difficulties.* For many years there existed a difference in regard to the common boundaries. By the Treaty of Peace, concluded between the two countries in Santiago, as far back as August 30th, 1855, which was ratified April 29th, 1856,

it was agreed (Art. 39), in general terms, to submit the decision to the Arbitration of a friendly Power, and, on two subsequent occasions, January 18th and December 6th, 1878, attempts were made to conclude a similar Agreement. On the intervention of the Ministers of the United States accredited to the two Governments, a Convention was signed on July 23rd, 1881, as related elsewhere. This, however, proved not to be final, and the question became complicated by fresh difficulties, arising out of the interpretation of the Treaty in relation to the San Francisco boundary. Supplementary Conventions were concluded August 20th, 1888, May 1st, 1893, and September 6th, 1895. At length, by a *Convention*, signed at *Santiago*, April 17th, 1896, the dispute was referred to a COMMISSION, Queen Victoria being requested to act as final Arbitrator, if necessary, to which request Her Majesty acceded. The difficulties continued, in a more or less acute condition, until September 13th, 1898, when the two Governments simultaneously notified the British Government that the Arbitration might commence, and that they were prepared to submit the boundary dispute to the Arbitration of Her Majesty without any reservation whatsoever. The British Tribunal appointed to act for Her Majesty consisted of Lord Macnaghten (President), Major-General Sir John C. Ardagh, and Col. Sir Thomas H. Holdich, and held its first meeting, March 27th, 1899, at the Foreign Office, London. On the death of Queen Victoria, His Majesty King Edward VII., accepted the post of Arbitrator. Statements on each side were presented to the Tribunal; Special Commissioners were appointed to visit both countries on a mission of inquiry; and His Majesty's *Award*, after a further delay of nearly two years, was given, on November 25th, 1902. It was joyfully accepted by both countries, and a Delimitation Commission was appointed to mark out the frontier on the lines of the *Award*.

References: *Tratados de Chile*, I. 227, II. 120, 331, 385; *Tratados de la Republica Argentina*, I. 402, III. 282; *Memoria de R.E. Buenos Aires* 1894, p. 65; 1896, p. 22; *Memoria de R.E. Santiago* 1897, documentos, p. 5, 1879, p. 239; *Cuestion de limites con Chile*, Buenos Aires 1878, p. 66; 1879, p. 239; *Am. State Papers, For. Rel.*, 1873, I. 39; 1896, p. 32; *Gaspar Toro, Notas, etc.*, pp. 171-176; *Brit. and For. State Papers LXXII.* 1103, *LXXXII.* 684, *XC.* 1027-1030; *Moore*, V. 4854, 4855; *P.I.*, pp. 539-544.

187. GREAT BRITAIN and SIAM, in 1896. *Personal Claims.* In 1891, Mr. Murray Campbell, a British subject, undertook to build a railway from Bangkok to Korat. Some friction with the authorities followed, and Arbitration was claimed. In consequence of the intervention of the British Government, an *Agreement of Reference* to Sir George Molesworth and Herr F. Lange was signed July 2nd, 1896. The Arbitrators met at Bangkok, but adjourned to London and appointed Herr van Bosse as Umpire, who gave an award which was not acceptable. A deadlock ensued. Sir Edward Clarke, K.C., at the request of the British Foreign Office and the Siamese Government, undertook to advise what was to be done. The *Agreement of Reference* to him was signed November 14th, 1899. The hearing of arguments took place from January 25th to February 10th, 1900. Sir Edward Clarke decided that the previous *Award* was null and void, and that the whole matter should be referred to an English barrister to be agreed upon between the parties. By a further *Agreement of Reference*, July 12th, 1900, it was again referred to Sir Edward Clarke, who began, on October 15th, 1900, the work of adjudication. Forty-one sittings took place before March 2nd, 1901, when an *Award* of £161,000, inclusive of costs, was given in favour of Mr. Murray Campbell, and the money was paid at once by the Siamese Government.

References: Kindly communicated by Sir Edward Clarke, K.C., June, 1903.

188. COLOMBIA and GREAT BRITAIN, in 1896. *Breach of Contract.* This was a dispute between a British firm, Messrs. Punchard, McTaggart, Lowther & Co., and a Provincial Government, that of Antioquia, in Colombia, respecting the construction of a railway between the River Magdalena and the town of Medellin. Contracts had been concluded between them in 1892 and 1893. On October 9th, 1893, the work was suspended, and each blamed the other. On October 19th, 1893, the Colombian Administration cancelled the contract, and took possession of the property and securities. The Contractors appealed to the Arbitration stipulated for in the Contract, but their demand was refused. They

then appealed to the National Government, who declined to interfere, and, as a last resource, to the British Government. After fourteen months of diplomatic correspondence, an Arbitration Court was constituted at Bogota, in 1894, the German Minister-Resident being elected President of the Court, by special permission of the German Government. It sat six months, and, just as the Award was about to be declared, the Court was broken up by the German Minister being forced to resign. After further prolonged negotiations a *Convention* was signed at London, July 31st, 1896, by which the case was referred to the ARBITRATION of the Swiss Government, who accepted the charge, on August 12th, 1896, and proceeded to appoint a Court of three Arbitrators, which the Swiss Federal Council commissioned February 2nd, 1897, at the request of the two Governments. The Court consisted of Dr. Schmid and Dr. Weber, Jurists, and M. Weissenbach, Ex-Director of the Swiss Railways. The Arbitrators held their first meeting at Lausanne on February 8th, 1897. On October 25th, 1899, their Award was given in favour of Great Britain, the Colombian claim being dismissed and the British firm awarded upward of 1,000,000 francs.

References: Tribunal Arbitral International du Chemin de Fer d'Antioquia, Sentence Arbitrale, Berne, impr. Staempfli et Cie; *Id.*, Détermination, etc., en suite du Décret, etc., Lausanne, 1899; Les Deux Amériques, September 1st, 1900; London Times, October 28th, 1899; Journal de Genève, 6 Juin, 1897; Parl. Papers; P.I., pp. 544-554.

189. **GREAT BRITAIN and VENEZUELA, in 1897.** *Territorial Contest.* A dispute, involving the ownership of a territory of 33,000 square miles which had become valuable through the discovery of gold, had been long standing. The United States Government, on February 8th, 1887, tendered its good offices to promote an amicable settlement by Arbitration. This was repeated May 5th, 1890; and again still later, on behalf of Venezuela, the United States, July 20th, 1895, demanded Arbitration. It also, on February 3rd, 1896, appointed, independently, a Commission to examine the question, and asked facilities for obtaining information. By a Convention between Great Britain and the United States, signed at Washington, November 12th, 1896, an ARBITRAL TRIBUNAL was agreed upon to determine the boundary line between British Guiana and Venezuela, consisting of four members to be appointed by the two Governments, and a fifth to be appointed by the other four, or, failing agreement, by the King of Sweden. To this Agreement Venezuela acceded, but claimed the right of representation on the Tribunal. The *Treaty of Reference* was signed February 2nd, 1897, at Washington, and ratified June 14th, 1897, Lord Herschell and Mr. Justice Richard Henn Collins, of the English Supreme Court of Judicature, being appointed, on behalf of Great Britain, and Chief Justice Fuller and Mr. Justice Brewer, of the United States Supreme Court, on behalf of Venezuela. A preliminary sitting of the Commission was held in Paris, January 25th, 1899. Lord Herschell, the President, having died suddenly and unexpectedly, in March, 1899, Lord Russell of Killowen, the Lord Chief Justice of England, was appointed, as his successor. The Tribunal sat in Paris, in the months of June, July, August, and September, 1899; the question was fully argued before it, and its Award was given at Paris, on October 3rd, 1899, and accepted as satisfactory by all parties. Following this Award a Mixed Commission was appointed to demarcate the boundary on the spot, as related elsewhere.

References: Parl. Papers [C. 7926], United States No. 1, 1896; [C. 8106], Venezuela No. 8, 1896; [C. 9336], Venezuela No. 1, 1899; No. 2 [C. 9337]; No. 3 [C. 9338]; No. 4 [C. 9499]; No. 5 [C. 9500]; No. 6 [C. 9501]; No. 7 [C. 9553]; Hætalet, Complete Collection, etc., XX. 948; Am. State Papers For. Rel., 1896, p. 254; Revue de Droit Int. 1898, XXX. 117; Memoria de R.E. Buenos Aires, 1898; Gaspar Toro, Notas, etc., pp. 156-157; State Papers, LXXXIX. 57-65, XCII. 160-162, 466-469; Moore, V. 5017, 5018; P.I., pp. 554-558.

190. **MEXICO and UNITED STATES, in 1897.** *Personal Injuries.* An indemnity was demanded by two American citizens, Charles Oberlander and Barbara M. Messenger, for alleged hardships and outrages suffered by them at the hands of certain Mexican Agents, while on the frontier, during the year 1892. The Mexican authorities disclaimed responsibility for the conduct of these Agents. It was referred to Arbitration, under an old-standing agreement between the two

countries, by a *Special Convention*, signed at *Washington* on *March 2nd*, 1897. The dispute was submitted to Señor D. Vicente G. Quesada, Minister of the Argentine Republic, at Madrid, with plenary powers as ARBITRATOR, who was to give his decision within six months from the date of the submission of the necessary evidence. The *Convention* provided for reasonable compensation to the Arbitrator and other common expenses of the Arbitration, to be paid in equal moieties by the two Governments; and for any award made to be final and conclusive. Any indemnity awarded, if in favour of the claimants or either of them, and of the contention of the United States, was to be paid by the Mexican Government within two years from the date of award. The *Award* of the ARBITRATOR was given at Madrid, on November 19th, 1897, and was in favour of Mexico.

References; Arbitraje en la Reclamacion de Charles Oberlander, etc. Mexico 1898; Boletin Oficial de la Secretaria de Relaciones Exteriores, Mexico, III., April, 1897; Letter from Mexican Legation, London August 2nd, 1900; *El Ferrocarril*, Santiago, February 8th, 1898; For. Rel. U.S., 1897, p. 878; Boletin Oficial. V. 129; Brit. and For. State Papers, XC. 1252, 1253; Gaspar Toro, Notas, etc., pp. 126, 127; P.I., pp. 558-563.

191. **BRAZIL and FRANCE, in 1897.** *Boundary Dispute.* This was a question involving more territory in French Guiana, than the Venezuela dispute with Great Britain. The point to be determined was practically to settle exactly which was the River Yapoa, spoken of in Art. 8 of the Treaty of Utrecht, signed April 11th, 1713. By a *Convention*, signed at *Rio de Janeiro*, April 10th, 1897, between M. Pichon, the French Minister, and the Brazilian Minister for Foreign Affairs, announced by M. Hanotaux at a Cabinet Council in Paris, April 15th, 1897, it was agreed to submit this dispute to Arbitration. The Treaty was approved by the Chamber of Deputies at Rio de Janeiro on November 26th, 1897; ratifications were exchanged August 6th, 1898, and, in September, the text of this Convention, designating the Swiss Confederation as ARBITRATOR, was presented by both the French and Brazilian Ministers to its President, thus fairly placing the case in the hands of the Arbitrator. The Special Commission sent to determine the frontier on the spot sailed from Bordeaux on September 26th, 1898. The *Award* was given December 1st, 1900, the greater part of the territory in dispute being adjudged to Brazil. This Award was very voluminous and discussed the question at issue with the greatest care.

References: Urteil des Bundesrates der Schweizerischen-Eidgenossenschaft, etc., vom 1. Dezember 1900 (840 pages) with Maps; Sentence du Conseil Fédéral Suisse, etc. (Extract from preceding); Brit. and For. State Papers, XC. 952, 953; N.R.G. 2me Série, XXV. 335; Revue du Bresil, October 1st, 1898; Revue Générale de Droit Int. Public, Paris, 1897, Documents 1; Brazilian Legation, London, August 2nd, 1900; London Times, December 3rd, 1900, etc.; Gaspar Toro, Notas, etc., pp. 157, 158; P.I., pp. 563-578.

192. **CHILI and FRANCE, in 1897.** *Personal Claims.* This was a claim made against the Chilean Government on behalf of a French subject, M. Charles Fréaut, for non-execution of contracts. By a *Treaty*, signed at *Santiago*, July 3rd, 1897, both Governments appointed Mr. Edward H. Strobel (ex-Minister of the U.S.A. in Chili) as ARBITRATOR, with plenary powers to settle the points submitted to him. The question, however, was *not* carried to an *Award*, but was ended by a definitive settlement made directly between the Chilean Government and the heirs of the claimant for a sum of 200,000 dollars.

References: Memoria de R. E. Santiago, 1897, p. 347; Gaspar Toro, Notas, etc., p. 128; P.I., p. 579;

193. **CHILI and FRANCE, in 1897.** *Failure of Contract.* This was the claim of a French shipowner, M. Bordes, against the Chilean Government for the non-execution of a contract entered into in 1891, relative to transport of immigrants by the steamship "Chérillon." It was, in 1897, (exact date not known), referred to a MIXED COMMISSION, the Arbitrators representing the two States being MM. Blest Gana and Decraix, and the Umpire (*tiers arbitre*) Sir Edmund Monson. The indemnity allowed by the Award was 200,000 francs.

References: Memoria de Relaciones Exteriores, Chili, 1897, p. 99; 1899, p. 73; P.I., p. 618; Neither Agreement of Reference nor Award has been published, the diplomatic documents only give the above particulars.

194. **GERMANY and GREAT BRITAIN, in 1897.** *Personal Losses.* This was a claim made by a firm of German merchants, Messrs. Dehnhardt Brothers, in South Eastern Africa, on account of losses sustained by them during the rising in Witu, in 1890. In connection with the presence in Germany of Herr Gustav Dehnhardt, in the autumn of 1896, the *National Zeitung* of October 1st, announced that the negotiations between the German and English Governments with regard to the Arbitration of the question were being resumed. This was confirmed by a statement made by Baron Richthofen, Director of the Colonial Department, in the Reichstag, Berlin, during the discussion of the Colonial Estimates in 1897, in which he said that it was proposed to submit the matter to a COURT OF ARBITRATION at Zanzibar. From the Colonial Department of the German Foreign Office in Berlin, we learn that an Agreement had been come to between the two Governments to refer a part of the claims to Arbitration in Zanzibar, but that on further negotiation with Messrs. Dehnhardt Brothers, the case was not carried to an Arbitral judgment.

References: *National Zeitung* October 1st, 1896; *London Times*, October 2nd, December 16th, 18th, 1896, etc.; *Herald of Peace*, May 1st, 1897; *Auswärtiges Amt-Kolonial-Abteilung*, Berlin, July 6th, 1904. The British Foreign Office says that no Parliamentary Paper has been issued on the subject.

195. **FRANCE and GERMANY, in 1897.** *Boundary Question.* This had reference to a portion of the "Hinterland" of Togo, on the Gold Coast, West Africa. A JOINT ARBITRATION COMMISSION was appointed to prepare a project of delimitation defining the boundary between the French possession of Dahomey and the Soudan and the German Togo Territory. The exact date of this appointment is unknown, but the Commission began its sittings in Paris during the last week in May, 1897. The dispute proved easy of settlement, inasmuch as each party was able to produce documentary evidence, and on July 9th, 1897, the Commission had concluded its labours, and a Protocol was signed embodying an Arrangement satisfactory to both contending parties. This was confirmed by a Convention, July 23rd, 1897, which (Art. 4) appointed a Delimitation Commission.

References: Brit. and For. State Papers, LXXXIX. 584-586; Hazell's Annual, 1902, p. 280; *Herald of Peace*, July, 1897, p. 265, August, 1897, p. 279.

196. **HAWAII and JAPAN, in 1897.** *Exclusion of Japanese Subjects.* Reuter's Agency reported that on July 23rd, 1897, the Japanese Government agreed to the proposal made by Hawaii to submit to ARBITRATION a dispute regarding Japanese immigration in the Sandwich Islands, which arose in March, 1897. The Court, it was agreed, should consist of three Arbitrators, two appointed by the disputants and the third by these two. The annexation of the islands by the United States of America, which was voted in the Senate at Washington only a few days after the occurrence, interfered with the carrying out of these provisions, and the matter remained, for the time, in abeyance. A treaty for the annexation of Hawaii was concluded at New York by Mr. Sherman, Secretary of State, and three Hawaiian Commissioners, June 16th, 1897, Japan lodging a formal protest. On August 1st, 1898, however, the Government of Hawaii paid to that of Japan the sum of 75,000 dollars in full settlement of all claims ensuing out of the matters in dispute, so that, ultimately, the Arbitration was not proceeded with.

References: Questions Diplomatiques et Coloniales, November 1897, pp. 396-401; Letter to Author from U.S. Department of State, September 19th, 1902; *Herald of Peace*, August, 1897, p. 279, December, 1897, p. 331, January, 1898, p. 7; *Advocate of Peace*, November, 1897, p. 236, June, 1898, p. 136.

197. **LIPPE-DETMOLD and SCHAUMBURG-LIPPE, in 1897.** *Question of Inheritance.* This was a domestic, or inter-statal Arbitration. It involved a claim to the regency, and therefore to the succession of the princely throne of Lippe-Detmold, arising out of the incurable illness of Prince Alexander, who succeeded his brother Waldemar on his death, in 1895. The dispute arose between Prince Adolf of Schaumburg-Lippe and Count Ernst of Lippe-Biesterfeld. Count Ernst based his claim on the fact that the Regent had been unconstitutionally appointed by decree, without the ratification of the Lippe

Diet. The Principality of Lippe, jealous of its prerogative as an independent Federal State, supported the Count, the Diet declaring in his favour. Through the mediation of the German Chancellor the dispute was submitted (date unknown) to the ARBITRATION of the King of Saxony, and a Court was formed for the purpose under King Albert's presidency. The decision, published in July, 1897, was in favour of Count Ernst of Lippe-Biesterfeld. The incident gave rise to much internal discussion in the German Empire.

References: *Pall Mall Gazette*, November, 1898; *London Times*, January 6th, 1899; *London Daily News*, July 19th, 1898; *Daily Chronicle*, January 6th, 1899; *Leeds Mercury*, December 19th, 1898; *Herald of Peace*, August, 1897, p. 279, August, 1898, p. 100, February, 1899, p. 173.

198. **GREECE and TURKEY, in 1897. Consular Convention.** It was provided by Article 9, of the Preliminary *Treaty of Peace*, which terminated the war between Greece and Turkey, signed at *Constantinople, September 18th, 1897*, that, in the event of differences in the course of negotiations between the two countries, the contested points should be submitted by either party to the ARBITRATION of the Representatives of the Great Powers at Constantinople, whose decisions should be compulsory for both Governments. It was specially provided that such Arbitration might be exercised, either by the Representatives themselves collectively, or by persons specially chosen by the parties interested, either directly or through the intermediary of special delegates, and that, in the event of the votes being equally divided, the Arbitrators should choose an additional Arbitrator. This was confirmed by Article 15 of the Definitive Treaty, signed at Constantinople, December 4th, 1897. Further negotiations, which lasted from December 29th, 1897, to May 14th, 1900, resulted at length, on the latter date, in the Greek Legation informing the Porte, by a Note, of its recourse to the Arbitration of the Powers as thus provided. The *Arbitral Decision* was pronounced at *Constantinople April 3rd, 1901*, and was immediately communicated to the Porte and the Greek Legation. It formulated in detail the Consular Convention, which would be binding on the two interested Parties.

References: Convention Consulaire, Helléno-Turque (Dossier), 1900, presented by the Greek Government; Brit. and For. State Papers, XC. 422-430, 546-553, XCI. 124-473; P.I., pp. 605. 606, 641-645 (Award, communicated by the Turkish Minister in Brussels); H. La Fontaine, *Histoire Sommaire*, etc., p. 69 (No. 163).

199. **SIAM and UNITED STATES, in 1897. Military Assault.** An attack was made by Siamese soldiers upon Mr. E. V. Kellett, the United States Vice-Consul in Siam, on the evening of November 19th, 1896. After some diplomatic correspondence it was agreed that a Mixed Commission should be appointed to investigate the affair, and, while the discussion was pending, a visit was paid to Bangkok by the U.S. warship "Machias." At length Mr. Barrett, the U.S. Minister, proposed that the Mixed Commission should be constituted as a BOARD OF ARBITRATION, and to this the Siamese Government acceded. Some time during 1897 Messrs. John Barrett and Pierre Orts were appointed Arbitrators, and on *September 20th, 1897*, rendered their *Award*, at Chieng-mai, in favour of the United States. The Government of Siam was condemned to express its official regrets, and to publish copies of the decision in the official gazettes.

References: *Siam Free Press*, November 15th, 1897; Moore, II. 1862-1864; P.I., pp. 604, 606.

200. **SIAM and UNITED STATES, in 1897. Personal Injuries.** This involved a claim of Dr. Marion A. Cheek, an American citizen, against the Government of Siam, for illegal seizure and sale of property in 1889. After voluminous correspondence, by a Protocol of Agreement, dated *July 6th, 1897*, it was referred to the ARBITRATION of the late Sir Nicholas J. Hannen, Chief Justice of Her Britannic Majesty's Supreme Court for China and Japan, who sat at Bangkok on February 1st, 1898, and on nine subsequent days, and who gave his *Award* at Shanghai, March 21st, 1898, in favour of the United States Government, and adjudged to the heirs of the claimant the sum of 706,721 ticals (£40,476).

References: U.S. MSS. Dept. of State; S. Doc. 180, 54 Cong. 2 Sess.; For. Rel. U.S., 1897, p. 479; Moore, II. 1899-1908, V. 5068-5074; P.I., pp. 679-681.

201. GUATEMALA and ITALY, in 1898. *Withdrawal of Employment.* On April 11th, 1892, the Government of Guatemala conceded to Miss Maria Cedroni, an Italian, the right to establish for five years an academy for young ladies. Friction arising, however, between her and the Secretary of State for Public Instruction, the Government took away her occupation from her on January 3rd, 1893. By an *Arbitral Convention of March 18th, 1898*, which does not appear to have been published, the question of the indemnity was submitted by the two Governments to the ARBITRATION of the King of Spain, by whom M. F. Garcia Gomez de la Serua was appointed as actual Arbitrator. The *Decision*, given at Madrid, October 12th, 1898, awarded 5,800 piastres instead of the 61,600 which had been claimed.

References: Memoria presentada por la Secretaria de Relaciones Exteriores, Guatemala, 1899, pp. 5-16; P.I., pp. 606-610.

202. BELGIUM and GREAT BRITAIN, in 1898. *Personal Injuries.* On August 21st, 1896, Mr. Ben Tillett, a British subject, was arrested at Antwerp, in pursuance of orders issued by the Belgian Minister of Justice. His detention and expulsion followed. By a *Convention*, signed at Brussels, March 19th, 1898, and ratified there the following day, the case was referred to a foreign jurist, M. Arthur Desjardins, Avocat-General of the French Court of Cassation, was jointly chosen as ARBITRATOR. His *Award*, which was given at Paris December 26th, 1898, was wholly in favour of Belgium.

References: Parl. Paper [C. 9285], Commercial No. 2, 1899; Brit. and For. State Papers, XC. 5-10, XCII. 78-104, 104-109; London Newspapers, January 10th and 12th, 1899; P.I., pp. 581-585.

203. ECUADOR and ITALY, in 1898. *Arbitrary Expulsion.* This case involved a claim presented by the Salesian Fathers, who were of Italian nationality, on account of a decree of expulsion issued against them by the Ecuadorian authorities. By the provisions of a *Protocol*, signed at Quito, March 28th, 1898, two ARBITRATORS were appointed, with power to appoint a third in case of disagreement. Sres. Jenaro Larraza and Francisco Andrade Marin were accordingly appointed. An additional Protocol, signed June 21st, 1899, gave the Arbitrators power to take into consideration a counterclaim formulated by the Government of Ecuador. This Protocol has not been published, nor have we been able to trace what action has been taken, if any, to carry out these provisions.

References: Informe de Relaciones Exteriores, Ecuador, 1898, p. 185, 1899, p. 48; P.I., pp. 647, 648.

204. COSTA RICA and the REPUBLIC OF CENTRAL AMERICA, in 1898. *Mutual Complaints and Claims.* These arose out of various incidents, which took place on both sides, during the revolutionary movement in Nicaragua, the situation becoming at length so acute that troops of both States advanced to the frontier. The good offices of Guatemala were interposed to prevent the war which appeared imminent, and by a *Treaty of Peace*, signed April 26th, 1898, on Board the U.S. man-of-war "Alert," off Cape Blanco, in neutral waters, both parties agreed to refer all pending questions between them to the decision of a TRIBUNAL composed of three Central Americans, one appointed by each of the contending parties, and a third by the Republic of Guatemala, in its character of pacific mediator. Art. 4 provided that the Tribunal should meet in the Capital of Guatemala within one month of ratification, but the Treaty seems not to have been ratified, owing to the dissolution of the Central American Republic, which followed shortly after. A unique feature of this Reference was contained in Art. 7 of the Treaty, which said: "The Judges of this Tribunal will try the questions submitted to them, and pass their verdict thereon, in the character not only of Arbitrators, but also as Peacemakers, allowing that feeling of charity to enter into their counsels which should reign where vexatious incidents have occurred between brothers."

References: Memoria de R.E. de Costa Rica, San José, 1898, p. 108; Brit. and For. State Papers, XC. 558-562; Gaspar Toro, Notas, etc., pp. 132, 133; P.I., pp. 611, 612.

205. PERU and UNITED STATES, in 1898. *Personal Injuries.* An Anglo-American citizen, Mr. MacCord, employed in Peru as Superintendent

of the Railroad from Mollendo to Arequipa, was, during the revolution of 1885, arrested and fined; and, three years later, on resuming his occupation, that was taken from him and given to another. His claim was tenaciously supported by the United States Government. By an *Arbitral Convention*, signed at Washington on May 17th, 1898, the question of amount of indemnity to be granted him was referred to the ARBITRATION of Sir Samuel Henry Strong, Chief Justice of Canada, who on October 15th, 1898, gave his *Award*, in favour of Mr. MacCord, for 40,000 dollars.

References: Memoria de R. E., Lima, 1898, p. 58; Memoria del Ministerio de R. E. Peru, 1898, p. 98; Gaspar Toro, Notas, etc., pp. 127, 128; P.I., pp. 612, 618.

206. GREAT BRITAIN and RUSSIA, in 1898. *Seizure of Sealers.* An indemnity was claimed by Great Britain for the alleged illegal seizure of Canadian vessels in the sealing grounds of the Behring Sea, within Russian jurisdiction. The question, which goes back as far as 1892, was in June, 1898, submitted to M. Alphonse Rivier, Professor of International Law in Brussels University as ARBITRATOR. By his death, in Brussels, on the 21st July, 1898, the proceedings were interrupted; but M. H. Matzen, Professor at the University of Copenhagen and President of the Danish Senate, was, in April, 1899, appointed Arbitrator in his stead. For some unknown reason the matter then seems to have lapsed. But in March, 1904, the question was reopened, and direct negotiations were begun in London by delegates appointed by the Russian and Canadian Governments, with a view to arriving at an amicable settlement. It was at first proposed to re-submit the matter to Arbitration, but a friendly compromise was reached, and an Agreement has just been signed (May 31st, 1904), which provides that the Russian Government shall pay as compensation for two out of the six vessels seized, or stopped, the sum of 44,701 dollars (about £8,940) instead of 93,497 dollars (about £18,699) claimed.

References: *Herald of Peace*, July, 1898, May, 1899, July, 1904; *Advocate of Peace*, August and September, 1898, p. 179; *Corr. Bimen.*, July 25th, 1898; *London Times and Daily News*, June 1st, 1904.

207. GREAT BRITAIN and UNITED STATES, in 1898. *Out-standing Questions.* An Agreement between the United States and Canada was reached on May 30th, 1898, for the creation of an ARBITRAL JOINT HIGH COMMISSION, to consider all subjects of controversy between the United States and Canada, and to frame a Treaty between the British Imperial Government and the former, for the complete adjustment of these differences. The High Joint Commission was composed of ten members—five from each side—viz., Lord Herschell, Sir Wilfrid Laurier, Sir Richard J. Cartwright, Sir Louis H. Davies and John Charlton, Esq., M.P., on the one side; and Senator Gray, Mr. Kasson, Mr. Nelson Dingley, Junr., Mr. Fairbanks, and ex-Secretary Foster on the other. The first meeting was held at Quebec, August 23rd, 1898, and Lord Herschell was appointed President. It was decided to discuss the following subjects in the order named, viz.: Behring Sea sealing; the fisheries on the Atlantic and Pacific coasts; the determination of the Alaska boundary; to arrange for the transit of bonded merchandise; alien labour laws; mining rights; the readjustment of Customs duties; to revise the agreement regarding the presence of warships on the Great Lakes; the better defining of the frontier; extradition; wrecking and salvage rights. After remaining in session at Quebec for some three weeks, i.e., until October 8th, the Commission adjourned to Washington, where its sittings were resumed on November 1st, and terminated by a brilliant banquet, December 20th, 1898. The work of the Commission was somewhat interrupted by the death of Mr. Dingley and the illness of Mr. Foster. After nearly eight months' deliberation, the Joint High Commission adjourned on February 20th, 1899, without reaching any definite decision, with the intention of meeting again on August 2nd, in Quebec. An official statement of the position of affairs, issued by the British Foreign Office, February 22nd, 1899, stated that the Commission had made very substantial progress, but had been unable to agree upon the settlement of the Alaska boundary. After its adjournment it sustained another loss by the sudden and unexpected death of its President, Lord Herschell, in March, 1899. The Commission did not resume its sittings, but negotiations between the Governments

were continued, and on October 20th, 1899, an Agreement was formally come to for a temporary adjustment of the Boundary. The final adjustment was made later by a Special Commission, and forms the subject of another section. The High Commission, however, has not again met.

References: Hazell's Annual, 1901, p. 15, 1902, pp. 18, 19; Foreign Office Paper, June 3rd, 1899; See also London *Times* and *Morning Post*, June 5th, 1899; Brit. and For. State Papers, XCI. 116-118.

208. **CHILI and PERU, in 1898.** *Form of Plebiscite.* At the close of the war between Chili and Peru the provinces of Tarapaca and Tacna were ceded by the latter to her victorious rival, for a period of ten years, by the Treaty of Ancon, signed at Lima October 20th, 1883, and ratified on May 8th, 1884, on the understanding that at the end of ten years the future of Tacna and Arica should be determined by a *plebiscite* of its inhabitants. Owing to troubles in Peru, the decision was deferred, but it was finally agreed, by a *Convention*, signed at *Santiago*, April 16th, 1898, and known as the Billinghurst-Latorre Protocol, to submit the matter to the ARBITRATION of the Queen Regent of Spain, who would decide on the form the *plebiscite* should take. Forty days after the signature of this Protocol it was approved by the Peruvian Congress, but when it came for consideration before the Chilean Legislative Chambers, it received the ratification of the Senate, but "remains indefinitely shelved" in the Chamber of Deputies, and, although repeated attempts have been made to deal with the question, up to the present (July, 1904) nothing definite has resulted.

References: Statesman's Year Book, 1899, p. 869; Garland, South American Conflicts, Lima, February, 1900; Rafael Egaña, The Tacna and Arica Question, Santiago de Chile, 1900; Ricardo Salas-Edwards, The Liquidation of the War on the Pacific, London, 1900; Peru and Chili, Circular of the Peruvian Foreign Office on the Arica and Tacna Question, London, 1901; Gaspar Toro, Notas, etc., p. 132; Memoria de R. E., Santiago, 1898, p. (41) 59; Letter to Author from Chilean Embassy, April 13th, 1899; Peru, Coleccion de los Tratados, IV. 656; P. I., pp. 610, 611.

209. **ARGENTINE REPUBLIC, BOLIVIA, and CHILI, in 1898.** *Boundary Dispute.* A dispute respecting the delimitation of the Puña de Atacama, ceded by Bolivia to Argentina but claimed by Chili, which was not included in the Arbitration Protocol submitted to Queen Victoria was, by a Protocol signed at Santiago April 17th, 1896, reserved for delimitation with the co-operation of Bolivia. By two Acts, signed by the representatives of the two Republics at *Santiago*, November 2nd, 1898, it was referred to a CONFERENCE of five members, named by each of the Governments, to meet on March 1st, 1898, in Buenos Ayres for a term of eight days only (Art. 5). Failing an agreement at the last sitting the matter was referred, as provided in the second Act, to the decision of an ARBITRAL TRIBUNAL consisting of three persons, a delegate appointed by each Government and the United States Minister-Plenipotentiary to Buenos Ayres; the Hon. Mr. Buchanan. This Tribunal, which was composed of three as stipulated, completed its labours and unanimously agreed upon a boundary which they definitely described in a *Procès Verbal* of March 24th, 1899. The results of its labours were announced by the Argentine Government through a formal communication addressed to its various Ministers, March 25th, 1899.

References: Moore, V. 4854; Memoria de R. E., Argentina, 1899, pp. 94-97, 118-127; London *Times*, December 20th, 1898, Text of Protocol; London *Daily News*, March 28th, 1899; *Herald of Peace*, April, 1899, p. 197, Text of Communication; P. I., pp. 585-587.

210. **GREAT BRITAIN and HONDURAS, in 1899.** *Detention of Ship.* This case arose from the arrest of the captain of the English schooner "Lottie May," and the detention of that ship for six days, in the month of July, 1892, in the port of Roatán, because of his defiant attitude towards the commandant of the place. On February 23rd, 1893, the British Government protested, and claimed £3,134 on behalf of its subject, by way of indemnity. However, on September 24th, 1895, it reduced the amount of the indemnity demanded to £500. Finally, by an *Arbitration Agreement*, signed at *Guatemala*, March 20th, 1899, the difference was submitted to the ARBITRATION of the Chargé d'Affaires of the United States at Guatemala. The *Award*, delivered at Guatemala on April 18th, 1899,

granted to the captain an indemnity of £150, and to the owners of the ship, of £100.

References: For. Rel., U.S., 1899, p. 371; La Fontaine, *Histoire Sommaire*, No. 171, p. 72; P.I., p. 618.

211. GERMANY, GREAT BRITAIN, and UNITED STATES, in 1899. *Samoa Difficulty*. By the Final Act of the Berlin Conference, June 14th, 1889, the fourteen islands of Samoa were declared an independent and neutral territory, and arrangements were made for its administration. These worked successfully up to the death of the King Malietoa Laupepa, on August 22nd, 1898. During the year 1899, complications arose in connection with the succession to the throne, and civil war resulted. In a *Memorandum*, a copy of which was enclosed in a letter from Lord Salisbury, dated April 13th, 1899, to Mr. Eliot, the British Commissioner, covering the Queen's Commission appointing him in that capacity, it was stated that the three interested Powers had appointed a JOINT COMMISSION to consider the questions arising between themselves out of the alleged infraction of the Berlin Treaty of 1889. This "Samoa Joint High Commission" consisted of Mr. C. N. E. Eliot, C.B., of the Diplomatic Service, for Great Britain, Mr. Bartlett Tripp, formerly Minister to Austria, for the United States, and Baron Von Sternberg, First Secretary of the Embassy at Washington, for Germany, who were to proceed at once to the islands and begin their work without delay. The Commissioners sailed from San Francisco in the U.S. Cruiser "Badger," April 26th, and arrived at Apia on May 13th. They commenced their work immediately and held their last meeting at Apia; which the Commission left on July 18th, 1899. A Convention for the partition of the Samoan Islands was signed in duplicate between Germany and Great Britain at London, November 14th, 1899, and a Convention for the same object between Great Britain, Germany, and United States, was also signed at Washington, December 2nd, 1899. The ratifications of both were exchanged at London and Berlin, February 16th, 1900.

References: Parl. Papers [C. 5907], Samoa, No. 1 (1890); Samoa, No. 1 (1899); [Cd. 7], Germany No. 1, 1899; [Cd. 38], Treaty Series No. 7, 1900; [Cd. 39], No. 8, 1900; [C. 5911], and [C. 9506].

212. HAYTI and UNITED STATES, in 1899. *Seizure and Sale of Goods*. Messrs. John D. Metzger & Co., American citizens, claimed through their Government from that of Hayti, indemnities for seizure and sale of their goods at Port-au-Prince and Jacamel, and for failure of contract. By an *Agreement*, signed at Washington, October 18th, 1899, this question of indemnity was referred to the Hon. Wm. R. Day, Judge of the United States Circuit Court, as ARBITRATOR. By Art. 4 the evidence was to be submitted to the Arbitrator and finally closed on or before March 1st, 1900, and his decision was to be rendered within four months thereafter.

References: Brit. and For. State Papers, XCII. 461.

213. GERMANY and GREAT BRITAIN, and UNITED STATES, in 1899. *Military Operation*. This was a question of compensation for losses sustained at Samoa by subjects of the three Powers in consequence of alleged unwarranted military action, during the recent disturbances, between January 1st, 1899, and the arrival of the Joint Commission in Samoa. By a *Convention* between them, signed in Washington, November 7th, 1899, the ratifications of which were exchanged at Washington, March 7th, 1900, these were referred to the ARBITRATION of the King of Sweden and Norway. Early in 1901, it was announced that King Oscar had formally accepted the post of Arbitrator. His *Award* was given at Stockholm, October 14th, 1902. The amount due to Germany by United States and Great Britain was not, however, determined. It has since been fixed at 1,250,000 francs (£50,000).

References: Parl. Papers, Treaty Series, No. 10, 1900 [Cd. 98]; Samoa No. 1, 1902 [Cd. 1088]; P.I., pp. 618, 614.

214. GREAT BRITAIN and RUSSIA, in 1899. *Title to Property*. A claim of Messrs. Jardine, Matheson & Co. to property held by them in the Russian

Concession at Hankow was, in April, 1899, discussed between M. de Giers, the Russian Minister, and Mr. Bax Ironside, the British Chargé d'Affaires at Peking. On August 2nd, 1899, Lord Salisbury proposed Arbitration both to M. Lessar, in London, and, by telegram, to Sir C. Scott at St. Petersburg. The latter communicated it to Count Mouravieff, and on August 23rd, 1899, it was accepted by the Russian Government. On November 2nd, 1899, the Russian Government proposed a MIXED COMMISSION of INQUIRY, in conformity with Article 9 of The Hague Convention, to consist of members chosen by the British and Russian Legations in Peking, prior to submitting the question to an Arbitration Court, which, said the *Novoye Vremya*, will have to examine from a strictly legal standpoint the documents produced by the firm, the formalities observed, etc. The Commission, so appointed, consisted of Mr. Wade-Gardner and Mr. Harding, of Shanghai, British Commissioners, and Messrs. Pokotiloff and Litvinoff, Russian. Further details are not known.

References: Parl. Papers [Cd. 98], China No. 1, 1900; London *Daily News*, January 18th, 1900; *Herald of Peace*, November, 1899, p. 292, February, 1900, p. 16.

215. **ITALY and PERU, in 1899.** *Losses in Civil War.* During the Civil War which raged in Peru during the years 1894 and 1895, some Italian subjects incurred serious losses for which reparation was demanded. By the terms of an *Agreement*, concluded at Lima, November 25th, 1899, it was decided to submit these claims to the ARBITRATION of the Spanish Minister in Peru. It is not known whether the *Award* of the Arbitrator has been rendered or not.

References: Memoria de Relaciones Exteriores, Peru, 1900, p. 645; P.I., pp. 614, 615.

216. **CHINA and GREAT BRITAIN, in 1899.** *Sinking of Ship.* On July 25th, 1894, the steamer "Kowshing," a British transport ship, engaged in carrying Chinese troops during the war with Japan, was stopped by a Japanese warship and sunk. A claim for indemnity was made by the owners against the Chinese Government. After repeated offers on the part of the British Government during 1898 and 1899, the Chinese Ambassador, in a letter, dated December 10th, 1899, accepted the offer on behalf of his Government, and stated that he was awaiting instruction as to which of the three modes suggested by H.M.'s Government, viz., submission to The Hague Court, an English Judge, or a Foreign Jurist, would be accepted. In February, 1900, it was announced in the British House of Commons that Arbitration had been agreed upon, and again, in August, that the Hon. J. H. Choate, the American Ambassador in London, had been selected by the Chinese Government, and had undertaken to act as ARBITRATOR; but there was still a difficulty as to the exact terms of reference, which the Chinese Minister had referred to Peking. The question, however, never came before the Arbitrator, for, after long, renewed negotiation, the Chinese Government settled direct with the British Government, by agreeing to pay over to it the sum of 280,000 taels (£33,000), as an indemnity to the owners of the ship.

References: Parl. Papers [Cd. 98], China No. 1, 1900; Wilson and Tucker, International Law, p. 442; London Papers, *Financial News*, June 8th, 1895; *Morning Herald*, June 8th, 1900; *Standard*, February 10th, 1900; *Daily News*, August 9th, 1900; *Morning Leader*, February 16th, 1900, etc.; Communication to Author by the Owners, the Indo-China Company, August 7th, 1900.

217. **GERMANY and GREAT BRITAIN, in 1900.** *Seizure of Ships.* This was a question of indemnity, for the seizure and detention of German mail and other steamers by the British in South Africa. Count von Bülow stated in the Reichstag, January 19th, 1900, that the British Government had admitted its obligation and declared its readiness to make all legitimate amende. Shortly afterwards the question of the amount of indemnity was, submitted to a SPECIAL JOINT COMMISSION consisting of Herr H. Eduard Woermann and Dr. Alfred Sieveking, for Germany, and Sir Walter Murton, C.B., Mr. J. G. Smith, and Mr. W. F. G. Anderson, for Great Britain. After a short but exhaustive inquiry, and after taking expert evidence on the claims, they, early in the month of September (4th), 1900, unanimously *Awarded*, (1) An indemnity

of £20,000 for detention of the three Imperial mail steamers, "Bundesrath," "General," and "Herzog," together with a compensation of £5,000 to those interested in the landing of goods; (2) a total indemnity of £4,437, for stopping the German barque "Hans Wagner"; and (3) for the arrest of the barque "Marie," an indemnity of £126.

References: Parl. Papers [Cd. 38], Africa No. 1, 1900; Norddeutsche Allgemeine Zeitung; Hazell's Annual, 1901, p. 285; London Times, September 4th, 5th, and 7th, 1900; Herald of Peace, October, 1900, p. 127.

218. **GUATEMALA and UNITED STATES, in 1900.** *Mutual Claims.* The cause of the dispute is not indicated, but a Supplemental Protocol, signed at Washington May 10th, 1900, referring to the Agreement to which it was annexed, states that "certain issues involved in the claim and counterclaim of Robert H. May (an American citizen) and Guatemala, had been submitted to an ARBITRATOR by this Agreement, which was a *Protocol*, signed at Washington, February 23rd, 1900. Neither Agreement nor Award seems to have been published; in fact, nothing further is known, and the above supplemental Protocol seems to be the only published document.

References: P.I., pp. 615, 616.

219. **NICARAGUA and UNITED STATES, in 1900.** *Alleged Illegal Seizures.* Messrs. Orr and Laubenheimer, citizens of the United States, claimed the payment of indemnity, "on account of damage sustained through the alleged seizure and detention by Nicaraguan authorities of their two steam launches the "Buena Ventura" and the "Alerta"; and the Post-Glover Electric Company, also American, claimed indemnity on account of the alleged seizure at Bluefields of certain goods and chattels belonging to them. By an *Agreement*, signed at Washington, March 22nd, 1900, the question of the amount in each case was submitted to Gen. E. P. Alexander, who was by it appointed as ARBITRATOR. The result is not known.

References: P.I., pp. 616, 617.

220. **BOLIVIA and CHILI, in 1900.** *Losses during Civil War.* This case of Arbitration, similar to those which arose in 1893, 1894, and 1895, between Great Britain, France, Sweden and Norway, and Chili, had to deal with losses suffered by Bolivian citizens in the course of the Civil War which raged in Chili in 1891 and 1892. By an *Agreement*, signed at Santiago, May 31st, 1900, these claims were submitted to the Arbitration of the British Minister accredited to Chili. The last known of the case was that it was following its normal course before the Arbitrator.

References: Informe de Relaciones Exteriores, Bolívie, Anexos, p. 162; P.I., p. 648.

221. **RUSSIA and the UNITED STATES, in 1900.** *Seizure of Ships.* During the discussions respecting the Fur Seal Fishery, in 1892, some Russian cruisers captured four American fishing vessels in the Behring Sea, within seven miles of the Asiatic coast. These sealers were of an aggregate value of 150,000 dollars, but the largest items in the claim were for the sufferings of the officers and crews while they were detained. By an *Agreement* between the two Powers, signed at St. Petersburg on September 8th, 1900, the question was referred to the ARBITRATION of Professor T. M. C. Asser, of Amsterdam. An interim Award was given by the Arbitrator at The Hague, on October 19th, 1901, on certain questions which had arisen during the examination. His final Award, which was given at The Hague, on November 29th, 1902, under the sanction of The Hague Court of Arbitration, though not as part of its proceedings, was wholly in favour of the United States. In the case of the first two ships the facts were admitted, and the Award gave the sums of 38,750 dollars (£7,750) with interest at 6 per cent. from September 9th, 1892, and 28,588 dollars (£5,717) with similar interest from January 1st, 1892, respectively, to the United States. In the cases of the two latter, where the facts were not admitted, Russia had to pay 32,444

dollars (£6,488) with interest at 6 per cent. from January 1st, 1893, and 14,888 dollars (\$22,977) with similar interest from August 12th, 1892.

References: *Herald of Peace*, November, 1899, p. 292, August, 1900, p. 96, January, 1902, p. 176, December, 1902, p. 331; January, 1903, p. 5; Text of Interim Award, *Indépendance Belge*, November 7th, 1901; Award, *London Times*, November 30th, 1902; Text of Award, *Indépendance Belge*, November 30th, 1902; *La Justice Internationale*, 1er Juillet, 1903, pp. 106-118; *F.I.*, pp. 618, 645-647.

222. ITALY and PERU, in 1900. *Interpretation of Treaty.* A dispute arose regarding the interpretation of Article 10 of the Treaty of Friendship and Commerce concluded between Italy and Peru, December 23rd, 1874. The question was, by an *Arbitration Agreement*, signed at Lima, November 22nd, 1900, referred to a person to be appointed by the President of the Swiss Confederation. The Arbitrator thus appointed by M. Brenner on May 20th, 1901, was M. le Dr. Winkler, at that time President of the Swiss Federal Tribunal. The case was duly presented to the Arbitrator, and on September 19th, 1903, his Award was given at Berne, and gave an authoritative interpretation of the Article in question, which was accepted by both Governments as satisfactory.

References: Correspondance Bimensuelle, May 25th, 1901; *Herald of Peace*, June, 1901, p. 64, and 1903, p. 150; *La Justice Internationale*, Décembre 1903, pp. 439-455; Jugement Arbitral du 19 Septembre, 1903, etc., kindly furnished by the Arbitrator, Dr. Winkler, Berne, 9 Juillet, 1904.

II.—ARBITRAL BOARDS AND COMMISSIONS.

Cases less formal, but involving the application of the principle of Arbitration (settlement by reference), and more or less of its procedure, together with Courts or Commissions appointed to regulate, rather than to decide *ad hoc*, disputed questions, and those which have anything of a permanent character, are included in this list:—

223. The RHENISH STATES, in 1803. For the administration of a Sus-tentation Fund, to indemnify the Ecclesiastical Sovereigns dispossessed in the Rhine Districts, which was regulated by a Domestic Commission (see list IV.) organised by the Electors of Mayence and Hesse-Cassel, under Arts. 70-75 of the "*Reces*," February 25th, 1803, a SPECIAL COMMISSION was appointed by the former, who was Archchancellor, which Commission met first at Ratisbonne, and afterwards at Frankfurt. It continued to act until at least December 31st, 1810, at which date it reported.

References: Schoell, II. 303; De Gardien, *Histoire Générale des Traites de Paix*, VII. 429.

224. FRANCE and GERMANY, in 1804. By Art. 123 *et suiv.* of the *Convention* signed at Paris, August 15th, 1804, and ratified by the Emperor, May 11th, 1805, (in conformity with a vote of the Electoral College of the Empire on March 18th, previously), a JOINT COMMISSION was appointed to adjudicate (*juger*) on matters relating to the octroi and river police of the Rhine, as a stream common to both Empires. This Commission, which was to meet each year at Mayence, was composed of two Commissioners, French and German respectively, and a Jurisconsult elected by the two others. Its Bureau was situated at Lobith. It met for the first time on February 15th, 1808, and continued until February 19th, 1810, when the Prince Primate of the Confederation of the Rhine concluded a Convention with Napoleon making other dispositions and ceding to him half the Octroi of the Rhine.

References: Schoell, II. 292-296, 506, III. 452; Kluber; *Staatsrecht des Rheinbundes*, Tübingen, 1808, 8vo; R., XI. 36; De Gardien, VII. 405, 406.

NOTE.—As it has been found impracticable to trace out the history in every instance which follows, the greater care has been taken to express the exact terms of the appointment or reference.

225. **AUSTRIA** and **SAXONY**, in 1811. A provisional arrangement was concluded on October 14th, 1809, which was changed into a definitive *Convention* on November 19th, 1811, by which an ADMINISTRATIVE BOARD for the joint working of the salt-mines in Wieliczka was established. The Members of this Board were appointed by the Emperor, but the King of Saxony added to it a Commissioner, and also a second manager for each mine. The Treaty made provisions for a period of eight years from February 1st, 1812. It was also proposed that three individuals should occupy the place of the Governor of Wieliczka, during the duration of the Treaty, of whom the Emperor should appoint one.

References: Schoell, III. p. 142; the Convention was printed officially at Vienna.

226. **AUSTRIA** and **HESSE-CASSEL**, in 1813. By a separate Article (No. 5) of the *Treaty* of Frankfort between Austria and Hesse (on the accession of the latter to the Grand Alliance against France), signed December 2nd, 1813, a JOINT COMMISSION was appointed in order to select papers, registers, and documents belonging to the Kingdom of Westphalia, which had been deposited in the Archives of Cassel, and to separate and settle all the interests which had been hitherto common to the different provinces of that Kingdom.

References: R. XII. 651; Schoell, III. 310.

227. **ALLIED POWERS** and **FRANCE**, in 1814. Ships of War, Arsenal, and Naval Ordnance and Stores left at the close of the war were by Art. 15 of the *Treaty of Peace* signed at Paris, May 30th, 1814, to be divided between France and the countries where the Maritime Places in which they may be found were situated, and it was also enacted by the same Article that COMMISSIONERS be appointed on both sides to settle the division and draw up a statement of the same.

References: Schoell, III. 358; State Papers, I. 151; Hertslet, Map of Europe, etc., I. 11, 12.

228. **FRANCE** and **GREAT BRITAIN**, in 1814. By an additional Article (No. 2) of the *Treaty of Peace* signed at Paris, May 30th, 1814 (First Peace of Paris), a JOINT COMMISSION was appointed by France and Great Britain "to liquidate the accounts of their respective expenses for the maintenance of Prisoners of War, in order to determine the manner of paying the balance which shall appear in favour of the one or the other of the two Powers." By another additional Article (No. 4), the satisfaction of the claims of British subjects for property confiscated by the French authorities, loss of moneys due to them, etc., was referred to the same Commission.

References: Schoell, III. 365, 366; Hertslet, Map of Europe, etc., I. 21; State Papers, I. 151.

229. **AUSTRIA** and **BAVARIA**, in 1814. Art. 3 of the *Convention* between Austria and Bavaria, signed at Paris, June 3rd, 1814, provides for a MIXED COMMISSION to regulate all that has reference to the administration of territories on the left bank of the Rhine, and to collect their revenues on behalf of the two Governments.

References: Hertslet, Map of Europe, etc., I. 31; Schoell, III. 369; State Papers, I. 177.

230. **FRANCE** and **SPAIN**, in 1814. An Additional Article to the *Treaty of Peace* between France and Spain, signed at Paris, July 20th, 1814, enacts that "Disputes respecting coins in actual circulation, or which may arise hereafter between France and Spain, whether they shall have arisen before the War or at a later date, shall be settled by a MIXED COMMISSION; and if such disputes are within the jurisdiction of Courts of Justice, the respective tribunals shall be called upon, on either side, to administer a prompt and impartial justice."

References: Schoell, III. 368; R. XIII. 43; Hertslet, Map of Europe, etc., I. 36; State Papers, I. 1099.

231. **GREAT BRITAIN** and the **NETHERLANDS**, in 1814. By the Second Additional Article of a *Convention* between these two countries, signed at

London, August 13th, 1814, a JOINT COMMISSION was appointed by the respective Governments to settle the sum to be paid annually to the Dutch Government for the cession to Great Britain of the small district of Bernagore, situated close to Calcutta, which was deemed requisite to the due preservation of the peace and police of that city.

References: Schoell, III. 371; R. XIII. 57; Recueil de pièces officielles, VII. 378; Hertslet, Map of Europe, etc., I. 47; State Papers, II. 370.

232. **DENMARK** and **PRUSSIA**, in 1814. By Art. 4 of the *Treaty of Peace* between these Powers, signed at *Berlin August 25th, 1814*, a MIXED COMMISSION OF CLAIMS was appointed, which was to meet at Copenhagen immediately after the ratification of the Treaty, or within six weeks after its signature. But by Art. 9 of another Treaty, signed at Vienna June 4th, 1815, it was arranged that these claims should be settled by direct negotiation, which was, presumably, done.

References: Hertslet, Map of Europe, etc., III. 2056; State Papers, I. 255; Hertslet, Map of Europe, etc., I. 198; State Papers, II. 181.

233. **AUSTRIA** and **THE POWERS (TESSIN and URI)**, in 1815. By Art. 6 of the *Declaration*, signed at *Vienna, March 20th, 1815*, on the Affairs of the Helvetic Confederacy, embodied as Art. 81 in the Vienna Congress Treaty, June 9th, 1815, it was settled that, with a view to the establishing of reciprocal compensations, some Cantons should pay to others certain sums of money, to be applied to purposes of public instruction, etc. It was provided that the Cantons of Argovia, Vaud, and St. Gall should furnish a fund of 500,000 Swiss livres, but that the Canton of Tessin should "pay every year to the Canton of Uri a moiety of the produce of the tolls in the Levantine Valley." The execution of these arrangements was to be superintended by "a COMMISSION appointed by the Diet." Calvo states that an arbitral Award was given August 15th, 1816, in regard to the payment by Tessin to Uri.

References: Moore, V. 4856; Schoell, III. 409, XI. 96, 115; Hertslet, Map of Europe, etc., I. 67, 258; Calvo, II. 550; State Papers, II. 8, 142; R., XIII. 178; Schoell, Congrès de Vienna, Recueil de pièces officielles, VIII. p. 336.

234. **AUSTRIA** and **RUSSIA**, in 1815. By the *Treaty* between these two Countries, signed at *Vienna, May 3rd, 1815*, the navigation of the rivers and canals of the ancient Kingdom of Poland, was declared to be free, "so as not to be interdicted to any inhabitant of the Polish provinces, subject to either the Russian or Austrian Governments" (Art. 24). It was agreed, however, that a tonnage duty should be levied for the purpose of maintaining the rivers and canals in question in a navigable state" (Acts. 25 and 26), and that COMMISSIONERS should be appointed for the purpose of regulating this and other matters of navigation. The Commissioners were to be appointed without delay (Art. 27), and their labours were to be fixed, examined, and approved within six months at the latest, dating from the day of the ratification of the Treaty. These Articles were confirmed by Art. 14 of the Treaty of the Congress of Vienna, June 9th, 1815.

References: Moore, V. 4852; Hertslet, Map of Europe, etc., I. 100, 101, 221; State Papers, II. 8, 56; Schoell, III. 397, Recueil de pièces officielles, VIII. 127; R., XIII. 286.

235. **AUSTRIA** and **RUSSIA**, in 1815. With a view also of encouraging the import and export trade between the provinces which constituted the ancient Kingdom of Poland, it was, in Art. 29 of the same *Treaty, (May 3rd, 1815)*, mutually agreed that the two Courts should name COMMISSIONERS to examine the Regulations and Tariffs in force, to present plans tending to regulate whatever is relative to this commerce, and especially to prevent abuses or undue influence on the part of the Customs.

References: Hertslet, Map of Europe, etc., I. 101; State Papers, II. 56; Schoell, III. 397, Recueil de pièces officielles, VIII. 127; R., XIII. 286.

236. **AUSTRIA** and **RUSSIA**, in 1815. Art. 34 of the same *Treaty (May 3rd, 1815)* enacted that immediately after the signature of the Treaty, a Com-

MISSION should be appointed, composed of a proper number of Commissioners and Assistants ; it should meet at Warsaw, and its objects should be : (1) To prepare an exact balance of what is due by foreign Governments ; (2) to regulate, reciprocally, between the contracting parties, the accounts of their respective Claims ; (3) to settle the Claims of Subjects against their Governments. In short, to adjust whatever relates to subjects of this nature. Art. 35 provides that this Commission, immediately it should have entered upon its duty, should appoint a Committee for the restitution of all securities.

References : Hertalet, Map of Europe, etc., I. 103 ; State Papers, II. 56 ; Schoell, III. 398, Recueil de pièces officielles, VIII. 127 ; R., XIII. 236.

237. PRUSSIA and RUSSIA, in 1815. In a *Treaty* concluded on the same day (*May 3rd*, 1815) between Prussia and Russia relating to ancient Poland, similar provisions were embodied. Art. 22-24 provided for the freedom of navigation on the rivers and canals, and appointed COMMISSIONERS to regulate the Duty ; and by Art. 36, a COMMISSION of Accounts was arranged for, to be composed of a proper number of Commissioners and Clerks, to meet at Warsaw. By Art. 26, a BOARD of COMMISSIONERS was appointed by the two Courts to regulate the Rights and Privileges of certain Towns and Ports ; and the Commissioners appointed under this Article were empowered to determine in the prescribed term of six months, the Tariff and Duties on the import and export trade of the interested provinces. These Articles, like the similar ones in the *Treaty* between Austria and Russia, were confirmed by the Vienna Congress *Treaty* of June 9th, 1815 (Art. 14).

References : Hertalet, Map of Europe, etc., I. 112-116, 221 ; State Papers, II. 56 ; Moore, V. 4852 ; Schoell, III. 398, 399, Recueil de pièces officielles, VIII. 127 ; R., XIII. 236.

238. AUSTRIA, PRUSSIA, and RUSSIA, in 1815. By the *Additional Treaty* between these Powers relative to Cracow, signed at *Vienna, May 3rd*, 1815, after guaranteeing the Constitution of that free city (which was confirmed by Art. 10 of the Vienna Congress *Treaty*, June 9th, 1815), the signatories engage to appoint a COMMISSION consisting of three members, one appointed by each, who were to proceed to Cracow, to act in concert with a temporary and local COMMISSION, composed principally of individuals holding public situations or of persons of character. Each of the Commissioners of the three Courts was to fill the office of President alternately, by the week, and the President was to enjoy all the rights and privileges belonging to that office. The body thus constituted was to lay down the constitutional bases, and carry them into effect ; make the first official appointments ; assemble and put into action the new Government of the Free City of Cracow and its territory ; and make all such changes in the existing administration as may be necessary for the public service, so long as the temporary state of affairs should continue. It was also to settle the postal arrangements (Art. 12) and (Art. 18) to deposit the constitution, etc., in the Archives of the City.

By a *Treaty* between Austria, Prussia, and Russia, of November 6th, 1846, the Independent existence of the Free City of Cracow was put an end to, and the City and its Territory were incorporated with the Austrian Dominions. The British Government protested against this infringement of the Vienna Congress *Treaty*, on November 23rd, 1846. The French Government also protested against it on December 3rd, 1846.

References : Hertalet, Map of Europe, etc., I. 122, 123 ; 220, II. 1061-1068 ; Schoell, III. 400, Recueil de pièces officielles, VIII. 157, 170 ; Brit. and For. State Papers, II. 374, XXXIII. 1042, XXXV. 1088, 1093.

239. ALLIED POWERS and FRANCE, in 1815. By a series of European *Treaties*, provisions have been made for the regulation of the Navigation of international streams by means of MIXED COMMISSIONS. The "Navigation of the Rhine, from the point where it becomes navigable unto the sea, and *vice versa*," was, by the Peace of Paris, of May 30th, 1814, declared to be "free, so that it can be interdicted to no one" ; and it was provided that at the Congress about to be held at Vienna, "attention" should "be paid to the establishment of the principles according to which the duties to be raised by the States bordering on the Rhine may be regulated in the mode most impartial and the most

favourable to the commerce of all nations." It was further stipulated that the Congress, with a view to facilitate communication between nations, and continually to render them less strangers to each other, "should likewise examine and determine in what manner the above provisions can be extended to other rivers which in their navigable course separate or traverse different States." This was done. By the "*Regulations for the Free Navigation of Rivers*," settled in March, 1815, which formed Annex 16 to the Vienna Congress Treaty of June 9th, 1815, and were embodied in that Treaty as Arts. 108 to 116, "the Powers, whose States are separated or traversed by the same navigable river, 'engaged' to regulate, by common consent, all that regards its navigation" (Art. 1), and for this purpose to name COMMISSIONERS, who should adopt, as the bases of their proceedings, certain principles, the chief of which was that the navigation of such rivers, "along their whole course from the point where each of them becomes navigable to its mouth shall be entirely free, and shall not, in respect to commerce, be prohibited to any one," subject to regulations of police.

(a)—THE RHINE: "In order to establish a perfect control of the regulation of the Navigation," and "to constitute an authority which may serve as means of communication between the States of the Rhine upon all subjects relating to Navigation," it was stipulated (Art. 10 *et seq.*) that a CENTRAL COMMISSION should be appointed, consisting of Delegates named by the various States bordering on the Rhine, which Commission should regularly assemble at Mayence, on November 1st, in each year; and special regulations were made for the creation and control of this Commission. These arrangements continued undisturbed until 1831, when, on March 31st, a Convention was signed between the Riverain States of the Rhine, revising the Regulations for the Navigation of the Rhine, and fixing the Powers and Duties of the Central Commission. This Convention was replaced by a Convention, signed at Mannheim, October 17th, 1868, which was ratified at the same place April 17th, 1869. Between the years 1832 and 1842 various supplementary Articles, and an additional Convention, relative to the navigation of the river, were agreed upon between the Riverain States of the Rhine, all of which were embodied in a French Ordinance, dated October 15th, 1842; further supplementary Articles were also agreed upon in the years 1844, 1845, 1846, 1847, and 1860.

(b)—OTHER RIVERS: By the "*Regulations for the Free Navigation of Rivers*," etc., described above, it was provided that the same Freedom of Navigation should be extended to the Neckar, the Mayne, the Moselle, the Meuse, and the Scheldt, and these rivers came within the purview of the COMMISSIONS provided for in Art. 108 of the Vienna Congress Treaty, June 9th, 1815. Regulations for the Navigation of the Moselle and the Meuse were to be drawn up by those Members of the CENTRAL COMMISSION of the Rhine, whose Governments should have possessions on the banks of those rivers. By Art. 9 of the *Treaty of London, November 15th, 1831*, the provisions of Arts. 108 to 117 of the Vienna Congress Treaty, were "applied to those navigable rivers which separate the Belgian and the Dutch territories, or which traverse them both." It was decided that the Scheldt below Antwerp should be subject to a joint superintendence of Commissioners, appointed on both sides for this purpose. By the same Article, Commissioners were also appointed to meet at Antwerp, in the space of one month, to regulate the tolls. This Treaty was cancelled by Treaties of April 19th, 1839, but the above provisions were confirmed by Art. 9, Sects. 1 and 6 of the Annex to the Treaty of that date, signed at London, between the Powers and the Netherlands. The Regulations between Belgium and the Netherlands for the Navigation of the Scheldt were drawn up in October, 1839, but they were cancelled by the Regulations of May 20th, 1843. The Scheldt Toll was redeemed by the Treaty between Great Britain, etc., and Belgium, of July 16th, 1863.

(a)—References: Hertalet, Map of Europe, etc., I. 75-90, 269-272, II. 848-855, III. 1850; State Papers, II. 3, 162, XVIII. 1076, LIX. 470; Moore, V. 4851-4852; Schoell, III. 356, 497.

(b)—References: Hertalet, Map of Europe, etc., I. 76, 91-93, 269-272, II. 863, 864, 986, 987, III. 1582, 1550, 1561; State Papers, II. 3, 162, XVIII. 646, XXVII. 990, LIII. 8, 15; Moore, V. 4851, 4852; Schoell, III. 497; Parl. Papers, House of Commons, 1864, III., 1865, XCIII.

240. **PRUSSIA and SAXONY, in 1815.** *The Elbe.* By the *Treaty* between Prussia (Austria and Russia) and Saxony, of *May 18th, 1815*, provision was made (Art. 17) for the creation of a MIXED COMMISSION to regulate the navigation of the Elbe, in accordance with the general principles adopted at the Congress of Vienna, and embodied in the Regulations of March, 1815, for the free navigation of rivers. This Commission ended its labours June 23rd, 1821, in the *Treaty* of that date, which was signed at *Dresden*, between Austria, Denmark, Great Britain, Prussia, Saxony, Hanover, Mecklenburg-Schwerin, Hamburg, etc., relative to the free navigation of the Elbe, and in which that river, from the point at which it becomes navigable down to the open sea, and *vice versa*, was declared to be "entirely free with respect to commerce." To secure this end various stipulations were made, including a provision for the appointment (Art. 30) of a COMMISSION OF REVISION, whose members should be appointed by the States bordering on the river—each State sending one member—and whose object and powers should be "to watch over the due observance of the present Convention ; to form itself into a Committee for the settlement of any differences which may arise between the States bordering on the river, and to determine upon the measures which by experience may be found to be necessary to the improvement of commerce and navigation." The first Commission was to assemble at Hamburg at the expiration of one year from the day on which the Convention should begin to operate, and before closing its sittings the Commission should determine upon the period and place at which the next Commission should assemble. By a Convention, signed at Dresden, April 13th, 1844, the Brunshausen (Stade) Toll was referred to this Commission. The Stade Toll was abolished by a Treaty dated June 22nd, 1861. The Elbe Duties were abolished by a Treaty, dated June 22nd, 1870.

References : Hertslet, Map of Europe, etc., I. 75-93, 141, 671-692, II. 1036, 1037, 1471-1480 ; Brit. and For. State Papers, II. 84, 162, VIII. 953, XXXII. 20, LI. 27-33 ; Moore, V. 4852 ; N.R., V. 714 ; Neumann, III. 613, IV. 608 ; Martens-Murhard, VI. 370, 386 ; Calvo, I. 370 ; Schoell, III. 396.

241. **ALLIED POWERS and FRANCE, in 1815.** *Claims upon the Revenue of the Navigation of the Rhine.* By certain Articles in the Recez of February 25th, 1803, these revenues were assigned to individuals. Art. 28 of the *Regulations for the Free Navigation of Rivers*, signed at Vienna, March, 1815, stipulated that the settlement of these should "be entrusted to a COMMISSION, composed of five persons, whom the Court of Vienna, at the desire of the German Government, joint possessors of the bank of the river," should nominate. Consequently, the Court of Vienna appointed a Commission, composed of Baron Pufendorf, Baron Bartenstein, and Baron Gaertner (Ex-Aulic Councillors of the Empire), and Messieurs Rademacher and Von Breuning (Imperial Aulic Councillors). This Commission made its final *Award* in regard to the various Claims on March 26th, 1816.

References : Schoell, III. 453 ; Hertslet, Map of Europe, etc., I. 87 ; Staats Archiv des deutschen Bundes, I. 519 ; State Papers, II. 162.

242. **POLAND, etc., and SAXONY, in 1815.** By Art. 24 of the *Territorial Treaty* between Prussia (Austria and Russia) and Saxony, signed at Vienna, May 18th, 1815 (which formed Annex 4 to the Vienna Congress Treaty of June 9th, 1815), the claims of Saxony to a sum of 2,550,193 florins, claimed as having been transferred from the Treasury of Saxony into that of the Duchy of Warsaw, were referred to the COMMISSION OF LIQUIDATION, composed of Russian, Austrian, and Prussian Commissioners, which, as stipulated by the Treaty, signed May 3rd, 1815, between these Powers, was to meet immediately at Warsaw, and the King of Saxony was declared at liberty to send an accredited Commissioner on his part to assist in their deliberations.

References : Hertslet, Map of Europe, etc., I. 144 ; State Papers, II. 84 ; Schoell, III. 396, Recueil de pièces officielles, VIII. 181.

243. **HANOVER and PRUSSIA, in 1815.** *The River Ems.* Art. 5 of the *Treaty* between Prussia and Hanover, signed at Vienna, May 29th, 1815, which formed Annex 6 to the Vienna Congress Treaty of June 9th, 1815, the Article in question forming Art. 30 of that Treaty, stipulated that the Hanoverian

Government would execute at its own expense, during the years 1815 and 1816, the works which a MIXED COMMISSION, composed partly of artists, and to be immediately appointed by Prussia and Hanover, should deem necessary to render navigable that part of the river Ems which extends from the Prussian frontier to its mouth, and to keep it, after the execution of such works, always in the same state in which those works shall have placed it for the benefit of navigation.

References: Hertlet, Map of Europe, etc., I. 178-175, 231-233; State Papers, II. 8, 94.

244. NAVIGATION OF THE RIVER PO, in 1815. (a)—The ALLIED POWERS and FRANCE, in 1815. The Treaty of the *Vienna Congress, June 9th, 1815* (Art. 96), provided that the general principles adopted by the Congress of Vienna for the Navigation of Rivers should be applied to that of the Po, and that COMMISSIONERS should be appointed by the States bordering on it to regulate all that concerned its navigation.

(b)—AUSTRIA, MODENA, and PARMA, in 1849. The Treaty between the Governments of Austria, Modena, and Parma, on the Free Navigation of the River Po, signed at *Milan, July 3rd, 1849*, and duly ratified by each of the Powers in the same year, provided (Art. 1) that the Navigation of the Po should be free and exempt from all burden as far as the Adriatic Sea, and that in like manner the navigation of the streams joining the Po below the mouth of the Ticino should also be free. It also (Arts. 5-24) provided for the appointment and the duties of a suitable COMMISSION OF MANAGEMENT, consisting of four members and a president, who, as well as one of the Commissioners, should be named by Austria, and the three other Commissioners, one by each State. The Pope acceded to this Treaty on February 12th, 1850. These arrangements, which were confirmed by the Treaty of Zurich, November 10th, 1859, governed the Navigation of the Po until the Peace of Vienna of 1866, and placed that river under the exclusive control of the Italian Monarchy.

(a)—References: Hertlet, Map of Europe, etc., I. 264; State Papers, II. 3; Moore, V. 4851, 4852; Schoell, III. 491, Recueil de pièces officielles, VIII.

(b)—References: Hertlet, Map of Europe, etc., II. 1095-1103, 1112-1114, 1123; III. 1749-1759; State Papers, LVI. 700; De Clercq, VII. 648; N.R.G., III. pte. II. 516; Savoie, VIII. 697; Angeberg, Le Congrès, p. 1838; Moore, V. 4862.

245. NETHERLANDS and PRUSSIA, in 1815. By Art. 9 of the Treaty between the Allied Powers and the Netherlands, signed at *Vienna, May 31st, 1815* (forming Annex 10 to the Vienna Congress Treaty of June 9th, 1815), it was stipulated that a JOINT COMMISSION should be immediately appointed by the Kings of Prussia and of the Netherlands, to settle the concerns of the ceded Possessions of the House of Nassau. This Article was included in the Treaty between Prussia and Nassau, May 31st, 1815, Art. 17.

References: Hertlet, Map of Europe, etc., I. 182, 190; State Papers, II. 102, 187; R., XIII. 28; Schoell, III. 412, 416, Recueil de pièces officielles, VIII. 242.

246. PRUSSIA and SWEDEN, in 1815. By Art. 5 of the Treaty between Prussia and Sweden of *June 7th, 1815*, a JOINT COMMISSION was appointed to decide the terms and conditions of the payment of 3,500,000 Rix dollars by the former to the latter, for the Cession of Pomerania and Rügen.

References: Gesetzsaml. für die königl. Preussischen Staaten, 1817; Schoell, III. 420; Hertlet, Map of Europe, etc., III. 2064; State Papers, II. 975.

247. AUSTRIA, HESSE-DARMSTADT, and PRUSSIA, in 1815. *Cession of Territory.* By Art. 2 of the *Territorial Convention* between these States, signed at *Vienna, June 10th, 1815*, it was stipulated that "COMMISSIONERS shall be appointed without delay, on the part of His Majesty the Emperor of Austria, and of His Royal Highness" (the Grand Duke of Hesse), "to settle the Valuation and the Limits of the said territory, and to regulate everything bearing upon the execution of the present Article"—which provided for the Cession of Territory of the left bank of the Rhine to the Grand Duke of Hesse.

References: State Papers, II. 881; Hertlet, Map of Europe, etc., I. 279.

248. **PRUSSIA and SAXE-WEIMAR, in 1815.** A COMMISSION was appointed by both signatory Parties, under Art. 13 of the *Territorial Treaty* signed at *Paris, September 22nd, 1815*, to settle various matters under the Treaty connected with the reciprocal cession of territory. This Commission was to assemble at Weimar immediately after the territorial transfer, in order to complete the work in the shortest possible time.

References: R. XIV.; Schoell, III. 418; Hertalet, Map of Europe, etc., I. 811, 812; State Papers, II. 944.

249. **HANOVER and PRUSSIA, in 1815.** A JOINT COMMISSION was appointed, under Art. 3 of the *Territorial Treaty* between these Kingdoms, signed at *Paris on September 23rd, 1815*. It was to meet at Hanover as soon as possible, and proceed uninterruptedly for the valuation of the exchanges of Territory made by them.

References: R., XIII. 652; Schoell, III. 416; Hertalet, Map of Europe, etc., I. 814, 815.

250. **ALLIED POWERS and FRANCE, in 1815.** Art. 11 of the *Convention* between Great Britain (Austria, Prussia, and Russia) and France, relative to the Pecuniary Indemnity to be paid by France to the Allied Powers, which was signed at *Paris, November 20th, 1815*, and which was annexed to the Definitive Treaty of the same date (see Art. 4), provided that "there shall be a MIXED COMMISSION, composed of an equal number on both sides of Allied and French Commissioners, who shall examine every six months the state of the payments, and shall regulate the balance. A further Convention between these Powers, signed at Aix-la-Chapelle, October 9th, 1818, and a Protocol signed at Aix-la-Chapelle, November 3rd, 1818, regulated the close of this payment.

References: Hertalet, Map of Europe, etc., I. 347, 354, 557-562; State Papers, III. 280, 298, VI. 6, 11.

251. **SARDINIA and SWITZERLAND, in 1816.** By Art. 20 of the *Treaty* between Sardinia, the Swiss Confederation, and the Canton of Geneva, signed at *Turin, March 16th, 1816*, it was stipulated that "His Majesty shall appoint two COMMISSIONERS who shall regulate and complete, with the least possible delay, in conjunction with two other Commissioners to be appointed by the Canton of Geneva, the liquidation of Debts owing to or by the ancient department of the Lemman, as well as those connected with the relations which have existed between the two States."

References: State Papers, VII. 21; Hertalet, Map of Europe, etc., I. 421-432.

252. **AUSTRIA and BAVARIA, in 1816.** By Art. 5 of the Treaty of Teschau, May 13th, 1779, the Rivers Danube, Inn, and Salza, were declared to be common to the House of Austria and the Elector Palatine for the Navigation of their subjects. These stipulations were confirmed as to the Salza and Saale by the *Treaty of Munich*, between Austria and Bavaria, of *April 14th, 1816*. The General Principles agreed upon by the Congress of Vienna, and embodied in the Regulations for the Navigation of Rivers, signed at Vienna, March, 1815 (which provided for the appointment of a Commission of Management), were by Art. 9 of the above Treaty of Munich, applied to the Navigation of the Rivers Salza and Saale, as far as these rivers separate the two Countries.

References: Hertalet, Map of Europe, etc., I. 75-78, 439; Schoell, III. 555; State Papers, VII. 63; Moore, V. 4853.

253. **AUSTRIA and BAVARIA, in 1816.** By Arts. 20 and 21 of the *Treaty of Munich, April 14th, 1816*, it was stipulated that a SPECIAL COMMISSION should be immediately appointed, "composed of an equal number of individuals on both sides," charged with the liquidation of Claims arising out of the transfer of territory, and with the regulation of all ancient Grants and clearing of the Forests of the Valley of the Saale. This Commission was to meet at Salzburg, and to terminate its labours in the space of six months.

References: State Papers, II. 162, VII. 63; Hertalet, Map of Europe, etc., I. 442; Schoell, III. 555.

254. AUSTRIA, HESSE-DARMSTADT, and PRUSSIA, in 1816. (a)—By Art. 19 of the *Treaty of Frankfort, June 30th, 1816* (forming Annex 2 to the General Treaty, signed at Frankfort July 20th, 1819), it was agreed that a COMMISSION should be appointed by the Emperor of Austria and the Grand Duke of Hesse, to ascertain the state of the Debts and Pensions assigned on the Duchy of Westphalia, etc., and to regulate their allotment.

(b)—By Arts. 9, 10, and 14 of the *same Treaty*, it was agreed "immediately after the signature of the present Treaty," to appoint a COMMISSION, composed of one or several Functionaries of the Grand Duke of Hesse, and of one or more Officers delegated *ad hoc* by the Government of the Fortress of Mayence, to define Dependencies, and to regulate all the other points between the Military Government and the Civil Authority, including matters of exemption from Duties and free postage of letters, official residence, etc. A Treaty, of which Arts. 1 to 25, both inclusive, were literally conformable to the above Treaty (Annex 3, etc.), was signed between Great Britain and Hesse-Darmstadt, at the same place and date.

References: R., XIV. 73; Hertslet, Map of Europe, etc., I. 457-471; State Papers, VII. 30, 39; Schoell, III. 557-560.

255. NETHERLANDS and PRUSSIA, in 1816. (a)—The *Treaty* between Prussia and the Netherlands, signed at *Frankfort, November 8th, 1816*, and forming Annex 4 of the General Treaty of Frankfort, July 20th, 1819, stipulates (Art. 10) that "all discussions which may arise," in the City and Fortress of Luxembourg, "shall be decided by a MIXED COMMISSION, under the direction of the Governor."

(b)—Art. 13 of the *same Treaty* provided that the necessary Funds for alterations and repairs of the Fortifications shall be entrusted to a MIXED COMMISSION placed under the direction of the Governor; this Commission was to "give receipts for the sums expended on these alterations, which at the closing of the Accounts of each year," shall be inspected by a Prussian and a Dutch officer.

References: State Papers, VII. 40; Hertslet, Map of Europe, etc., I. 486-496.

256. GREAT BRITAIN and PORTUGAL, in 1817. *Slave Trade.* For the purpose of preventing any illicit Traffic in Slaves, the Governments of these Countries signed at *London, July 28th, 1817*, a *Convention*, additional to the Treaty of January 22nd, 1815, by which three PERMANENT MIXED COMMISSION TRIBUNALS were instituted to decide: (1) upon the legality of the capture of slave ships; and (2) upon the amount of indemnity, when necessary. These Commissions were to be located on the Coast of Africa, in the Brazils, and at London. They were composed each of two Commissary Judges and two Commissioners of Arbitration, who were authorised to "judge the causes submitted to them without appeal" according to the regulations and instructions annexed to the Convention. When Brazil was separated from Portugal, it was agreed, by Art. 3 of the Treaty of Rio de Janeiro, between Brazil and Great Britain, November 23rd, 1826, that the Convention of July 28th, 1817, should be maintained in its integrity. No history of the decisions of these Commissions has been published, so far as we are aware.

References: Hertslet, Complete Collection, etc., II. 89-95, 105-121; P.I., pp. 84-88.

257. FRANCE and PORTUGAL, in 1817. Attached to the *Treaty, August 28th, 1817*, for the settlement of the frontiers of Guiana, a separate Article of the same date provided for a Special Convention, also of the same date, by which all difficult points connected with the question of the Guiana frontiers, such as the payment of debts, the recovery of revenues, and the extradition of slaves, should be referred to an ARBITRAL COMMISSION similar to that under the Treaty of November 20th, 1815, except that it was stipulated that the term of a year fixed for a presentation of claims should date from the signature of the Convention, not from its ratification, which however, took place, May 9th, 1818.

References: Schoell, III. 562.

258. GREAT BRITAIN and SPAIN, in 1817. By Art. 12 of the *Treaty of September 23rd, 1817*, between Great Britain and Spain, MIXED COMMISSIONS

were also instituted, to decide on the fate of ships captured for illicit traffic in slaves.

Reference : Schoell, III. 563. (This Treaty is found in Vol. XIV. of R.)

259 **GERMANIC CONFEDERATION, in 1820.** The *Final Act* of the Ministerial Conferences held at Vienna to complete and consolidate the Organisation of the Germanic Confederation, signed at *Vienna, May 15th, 1820* (Arts. 21 to 24), instituted the **ARBITRATION COURT** (*Austrägal Instanz*) of the Confederation, to which the Diet had to appeal for the settlement of differences between the Members, observing, in the absence of any special Convention, the regulations contained in the Resolutions of the Diet of June 16th, 1817. Modifications of the Federal Constitution of the Confederation, which was established by the Federal Act of 1815, were introduced by the Act of the Diet of Frankfort, October 30th, 1834, which enacted that, after every legal and constitutional means of Conciliation had been exhausted, the difference should be decided by a Federal Tribunal of Arbitrators. The Germanic Confederation was dissolved in 1866.

References : State Papers, VII. 899 ; Hertalet, Map of Europe, etc., I. 636-651.

260. **HANOVER, PRUSSIA, etc., in 1823.** *Free Navigation of the Weser.* In order to apply to the River Weser the general principles for the navigation of rivers, as laid down in Arts. 108 to 116 of the Vienna Congress Treaty, June 9th, 1815, the states interested appointed a COMMISSION as provided, and this body drew up a Special Convention for the purpose, which was signed at *Minden, September 10th, 1823*. Besides the usual provisions this Convention stipulated the appointment of a Revision Commission from time to time.

References : Hertalet, Map of Europe, etc., I. 208-277 (esp. p. 269, n.), 707-709 ; State Papers, II. 3, etc., XXII. 1029.

261. **RUSSIA and TURKEY, in 1826.** By the *Treaty of Ackermann*, signed *October 7th, 1826* (Art. 6), and in accordance with the express stipulations of Art. 10 of the Treaty of Bucharest, May 28th, 1812, a JOINT COMMISSION was appointed to examine the losses sustained by Russian subjects by the depredations of Moorish pirates, and other acts, including those since 1821, and to fix the amount of the Indemnity. These arrangements, however, were not carried out, and by Art. 8 of the Treaty of Adrianople, September 14th, 1829, it was "agreed and determined that the Sublime Porte, by way of reparation for these losses and injuries, shall pay to the Imperial Court of Russia, within the course of eighteen months . . . the sum of 1,500,000 ducats of Holland," the payment of which "shall put an end to every reciprocal demand or claim of the two Contracting Powers, on the score of the circumstances above mentioned."

References : State Papers, XIII. 899, XVI. 647, 654, 657 ; Hertalet, Map of Europe, etc., I. 747, 751, II. 818-831.

262. **GREECE and TURKEY, in 1827.** By a *Treaty*, signed at *London, July 6th, 1827*, Great Britain, France, and Russia entered into an Agreement for the pacification of Greece. An additional Article to this Treaty, in its third paragraph, provided that if the Ottoman Porte refused their propositions, or "if, on the other hand, the Greeks decline the conditions stipulated in their favour by the Treaty of this date, the High Contracting Powers, will, nevertheless, continue to prosecute the work of pacification, on the bases upon which they have agreed ; and, in consequence, they authorise, from the present moment, their Representatives at London to *discuss and determine* the future measures which it may become necessary to employ." In pursuance of this paragraph a Conference of the Representatives of the three Signatory Powers met at London, on July 12th, 1827, and continued to meet from time to time as a DELIBERATIVE and DETERMINING BOARD for more than ten years. Under the instructions of this "CONFERENCE OF LONDON," Conferences were held at Constantinople in 1827, and at Poros, in 1828, but without much ultimate result. On September 9th, 1829, the Porte promised to accept all the conclusions of the Conference of London, and by Art. 10 of the Treaty of Adrianople, made with Russia, September 14th, 1829, the Porte declared

its "entire adhesion to the Treaty of London." A question as to the district of Zeitoun was by the "Arrangement" signed at Constantinople July 21st, 1832, referred to the London Conference, thus showing its Arbitral character.

References: Protocols of the Conference of London in the Parl. Papers for 1830, 1832, and 1843; also in Marten's N.R., XII., XVI., XVII., and in The Brit. and For. State Papers, XVII., XVIII., XIX., XXII., XXV.; see also the Protocols of the Conference at Constantinople (August 16th to December 4th, 1827) and of Poros (December 28th, 1828) in the Parl. Papers for 1830; Hertalet, Map of Europe, etc., I. 769-774; State Papers, XIV. 632; T. E. Holland, pp. 10, 11.

263. **GREECE and TURKEY, in 1828.** *Indemnity.* (a)—The Conference of Poros, held December 12th, 1828, between the Representatives of Great Britain, France, and Russia, relative to the Insular and Continental Boundaries of Greece, etc. (Protocol, Art. 11), agreed to institute a MIXED COMMISSION by which the verification of the Titles of Land and admitted Claims should be effected for the purpose of paying an Indemnity to former Mussulman proprietors, etc., under Art. 2 of the Treaty of London, July 6th, 1827. This Commission should commence its labours as soon as the Porte had acceded to the new state of affairs; and fix the value of the land and periods of payment, subject to appeal to the Arbitration of the Agent of the Allied Courts. The London Conference in its meeting of March 22nd, 1829 (see Protocol), agreed that this Mixed Commission should be composed of Greek and Mussulman Commissioners, in equal number on both sides.

(b)—In order to solve the difficulties which might arise between the Greek and Ottoman Commissioners, to abridge the period of this liquidation, and to lead in each case to a definite decision, there was also instituted a COMMISSION OF APPEAL and ARBITRATION, composed of Commissioners of the three Allied Powers, who "shall decide in the last instance upon all the claims respecting which the Ottoman and Greek Commissioners shall not have been able to come to an understanding." The Porte declared its adhesion to this Protocol in its Treaty with Russia, of September 14th, 1829 (Art. 9).

References: State Papers, XVI. 1095, XVII. 405; Hertalet, Map of Europe, etc., I. 802, 806.

264. **GREECE and TURKEY, in 1832.** Art. 7 of the *Boundary Arrangement* made at Constantinople on July 21st, 1832, runs: "A term of eighteen months, dating from the day on which the labours of the demarcation shall have been completed, is accorded to such individuals as may desire to quit the territories which form the object of the present arrangement, and to sell their estates. This term of eighteen months may, in special cases, and under unforeseen circumstances, be prolonged some months, and a COMMISSION OF ARBITRATION shall determine on the validity of these cases for exception, and shall assist in causing the sales to be effected at a fair price." We have no record of the proceedings of this Commission.

References: Prot. of Conf. of London, No. 52, Annexe A. (August 30th, 1832); Hertalet, Map of Europe, etc., II. 907; State Papers, XXII. 934; T. E. Holland, p. 16.

265. **BELGIUM and HOLLAND, in 1839.** The *Treaty of London*, of April 19th, 1839, which cancelled and yet confirmed similar provisions in the Treaty of November 15th, 1831, appointed "COMMISSIONERS to be named on both sides," to "meet within the space of fifteen days in the town of Utrecht, in order to proceed to the transfer of the capitals and annual interest which, upon the division of the Public Debt of the Kingdom of the Netherlands, are to pass to the charge of Belgium, up to the amount of 5,000,000 florins of Annual Interest." (Annex Art. 13.) This COMMISSION was charged to deliver up the Archives, Maps, Plans, etc., belonging to Belgium, to settle Claims on Private Establishments, and if, "under the head of the *French Liquidations*," any Belgian subject should still be able to bring forward claims to be inscribed, such claims shall also be examined and settled by the said Commission." (Arts. 13 and 22.)

References: Hertalet, Map of Europe, etc., II. 866-870, 990-994; State Papers, XVIII. 646, XXVII. 990, 1820.

266. **BADEN, HESSE-DARMSTADT, and WURTEMBERG, in 1842.** A Convention between these States for the regulation of Navigation on the Neckar, signed at *Carlsruhe, July 1st, 1842*, applied to that river the provisions of the *Vienna Congress Act of June 9th, 1815*, which included a MIXED COMMISSION. "For the complete application of those provisions," says the Preamble, "the Neckar Bank States have resolved to agree upon a Neckar Navigation Ordinance on the basis of the Convention existing between them of July 30th, August 5th and 15th, 1835, respecting the Neckar Navigation, and the Neckar Toll, according to Art. 1 of which, the provisions of the Rhine Navigation Ordinance of March 31st, 1831, are also to be applied in general to the Neckar, so far as it is navigable."

References: Hertalet, Map of Europe, etc., II. 1027, 1028.

267. **RUSSIA and TURKEY, in 1849.** The Act between Russia and Turkey, relative to Moldavia and Wallachia, signed at *Balta-Liman, May 1st, 1849*, established (Art. 3) two COMMISSIONS OF REVISION, one at Jassy, and the other at Bucharest, "to whom it entrusted the task of revising the existing Regulations, and of pointing out the modifications best calculated to confer upon the Administration of the Country, the Regularity and Unity in which they have frequently been deficient." By Art. 5, pending the duration of the military occupation, the two Courts appointed an Extraordinary Russian Commissioner and an Extraordinary Ottoman Commissioner, to reside in the Principalities, to watch over the progress of affairs, to advise when necessary, to agree upon the choice of the Members of the Commissions of Revision, and to report the work of those Commissions to their respective Courts. The duration of this Agreement was fixed at seven years, when the two Courts would reconsider the situation.

References: Hertalet, Map of Europe, etc., II. 1092, 1093.

268. **AUSTRIA and MODENA, in 1849.** (a)—By Art. 12 of a Treaty between Austria and Modena respecting the Navigation and the Regulation of Limits on the River Po, signed at *Milan, August 8th, 1849*, a COMMISSION was appointed to decide upon the respective Sovereignty of the Islands in the Po.

(b)—By Art. 13 of the above Treaty another COMMISSION was appointed to decide upon any exchanges of Territory required to regulate the Boundary.

References: Hertalet, Map of Europe, etc., II. 1112.

269. **FRANCE and GREAT BRITAIN, in 1855.** This was a peculiar case of Arbitral Agreement arising out of the co-operation of the two Powers in the War against Russia. By a Declaration exchanged between Great Britain and France, relative to the Division of Trophies and Booty, signed at *Paris, July 10th, 1855*, to which Sardinia and Turkey acceded on November 15th, 1855, it was agreed (Art. 5) "That Disputed Questions which may arise with regard to the Distribution of Booty shall be decided by a MIXED COMMISSION, which shall sit at Paris, and shall be composed of two Delegates, one English and the other French, appointed by their respective Governments. Those Delegates, before entering upon the performance of their duties, shall name two persons, of whom one shall be chosen by lot to act as an Umpire in all cases in which they may themselves differ in opinion; the decision of the Delegates, or of the Umpire, as the case may be, shall be final and without appeal." It was also agreed (Art. 6) "That whenever it may be necessary to make a Valuation upon the spot of any article captured, it shall be done by a MIXED COMMISSION, composed of competent Officers." It is not probable that any report of the proceedings in either case was published.

References: State Paper, XLV. 29; Hertalet, Map of Europe, etc., II. 1237, 1238.

270. **THE POWERS and TURKEY, in 1856.** *Danube Riverain Commission.* By Art. 15 of the Treaty of Paris, March 30th, 1856, the principles established by Arts. 5 and 108-116 of the Vienna Congress Treaty, June 7th, 1815, and which had been applied to various European Rivers were applied to the Danube also. In accordance with those principles a PERMANENT SUPERINTENDING COMMISSION of Riverain Powers was by Arts. 17 and 18 constituted, of delegates of Austria, Bavaria, the Porte, and Wurtemberg, together with Commissioners from

the three Riverain Principalities, Servia, Wallachia, and Moldavia. This Commission, instead of being permanent, *practically ceased to exist* after the disallowance of its Navigation Act (which was signed at Vienna on November 7th, 1857) by the Powers in 1859. Although its reconstitution was contemplated by Art. 17 of the Treaty of London of 1871, it never took place.

References: Hertlet, Map of Europe, etc., II. 1258; Parl. Papers, 1878, Turkey, No. 29; N.R.G., XVI. 2 P. 75; 42; Prot. (5) N.R.G., XV. 712; State Papers, XLVI. 8; T. E. Holland, pp. 229, 280, 249.

271. THE POWERS and TURKEY, in 1856. *Danube European Commission.* By Art. 16 of the *Treaty of Paris, March 30th, 1856*, a temporary INTERNATIONAL COMMISSION, composed of delegates of Austria, France, Great Britain, Prussia, Russia, and Sardinia was appointed to cause the execution of certain necessary works below Isaktscha. These were to be completed within the period of two years, and then, by Art. 18, the "Permanent Riverain Commission" were to enjoy its powers. The subsequent history of these two Commissions is curious. While the Riverain Commission, after a few years of unsuccessful activity fell into abeyance, and was dissolved, the International Commission, instead of coming to an end in two years, as was contemplated, has had its powers prolonged from time to time, with the likelihood of their being prolonged indefinitely, while its jurisdiction has been extended far above the point at which it originally terminated. The Treaty of London, signed on March 10th, 1883, prolonged the duration of the Commission to April 24th, 1904, for certain, and extended its direct authority as far as Ibraila, i.e., to the point beyond which seagoing vessels cannot ascend the river. The ratifications of this Treaty were exchanged in London on April 24th, 1884, the ratification of the Porte arriving on October 8th.

References: N.R.G., XV. 770, XVI. 2 P. 50, XVIII. 144, 178, XX. 401; 2me Série, VI. 578, VIII. 207, IX. 892; Parl. Papers, 1856; Parl. Papers, 1878, Turkey, No. 29 p. 22, 1882, Danube No. 1, 1883, Danube No. 5; Hertlet, Map of Europe, etc., II. 1258; State Papers, XLVI. 8; T. E. Holland, pp. 229-233, 263-271, 273-275, 303, 304, 308-322; Prot. (3) Parl. Papers, 1867, United Principalities, p. 20.

272. ALLIED POWERS and TURKEY, in 1856. *Moldavia and Wallachia.* By Art. 23 of the *Treaty of Paris, March 30th, 1856* "The Sublime Porte engages to preserve to these Principalities an Independent and National Administration, etc." The Laws and Statutes at present in force, however, shall be revised" and, "in order to establish a complete agreement in regard to such revision, a SPECIAL COMMISSION, as to the composition of which the High Contracting Powers will come to an understanding among themselves, shall assemble, without delay, at Bucharest, together with a Commissioner of the Sublime Porte. The business of this Commission shall be to investigate the present state of the Principalities, and to propose bases for their future organisation." The Commission commenced its sittings on May 30th, 1857. The Divans *ad hoc* of the two Principalities were also convoked by the Sultan, as stipulated in Art. 24 of the Treaty. The election followed of Colonel Couza, January 7th and February 5th, 1859, as Hospodar of both Principalities.

References: State Papers, XLVI. p. 8; T. E. Holland, pp. 284, 251; Hertlet, Map of Europe, etc., II. 1260, 1261.

273. MONTENEGRO and TURKEY, in 1856. At the Conference of Paris relating to the conclusion of Peace, at the close of the Crimean War, February to April, 1856, the affairs of Montenegro came under discussion (see *Protocols, March 25th and 26th*), and a LOCAL COMMISSION was charged to inquire into and report the *status quo* of the Frontiers of Albania, Herzegovina, and Montenegro, such as they existed in the month of March, 1856. This Commission reported to a Conference of the Powers at Constantinople; and by a Procès Verbal, signed November 8th, 1858, a DELIMITATION COMMISSION was appointed to complete its labours, for which purpose it received enlarged powers. The Collective Report of these Commissioners, dated March 26th, 1860, was considered by another Conference held at Constantinople "respecting the closing of the Montenegrin Boundary Commission"; and by a Protocol of this Conference, signed April 17th, 1860, it was declared that the Commissioners may be considered as having finished

their labours. As regards questions arising on the Frontier (the settlement of which had been entrusted to the Commission in the Protocol of November 8th, 1858, and the Collective Despatch of March 6th, 1860), the Representatives of the Powers considered that the wish of Prince Danilo (of Montenegro) for a Mixed Local Commission, formed by common consent between the Ottoman and Montenegrin authorities, to decide such questions, deserved the attention of the Sublime Porte.

References : State Papers, XLVI. 97, 104, L. 1001 ; Hertalet, II. 1275-1276, 1858, 1437.

274. **GREECE and the POWERS, in 1857.** The Diplomatic Representatives in Greece of Great Britain, France, and Russia had been, by Art. 12 Sect. 6 of the *Convention of May 7th, 1832*, formed into a **STANDING COMMISSION**, "especially charged to watch over the fulfilment of the stipulation for the due payment of the interest and sinking fund of the Loan guaranteed by those Powers." But the Greek Government failing to comply with the provisions of the above Convention with reference to that loan, meetings of the London Conference were held in 1856, and afterwards, upon the subject. Consequently, in 1857, a **COMMISSION** of Representatives of the three Powers sat at Athens to investigate the State of the Finances of the Country, and reported on May 24th, 1859, demanding an annual payment by the Greeks of 900,000 francs (£36,000). An "Arrangement" in this sense was made in June of the following year, after the Report of the Commission had been considered.

References : Protocols of London Conf., Nos. 60-97 ; Annexe A to Prot., No. 45 ; Parl. Papers, 1860 ; 1864, Greece, No. 2 ; N.R., X. 550 ; T. E. Holland, pp. 21, 38 ; Hertalet, Map of Europe, etc., II. 898, 1445 ; State Papers, XIX. 83.

275. **AUSTRIA, FRANCE, and SARDINIA, in 1859.** By the *Treaties of Peace* between Austria and France, Art. 8, France and Sardinia, Art. 2, and Austria, France, and Sardinia, Art. 7, signed at *Zurich, November 10th, 1859*, an **INTERNATIONAL COMMISSION** was appointed to wind up the affairs of the *Monte Lombardo Veneto* and to settle the proportions to be paid to each Party. Though the *Treaties of Zurich* were duly ratified on November 21st of the same year, these provisions do not seem to have been carried into effect ; for seven years later, war having again intervened, by the *Treaty of Peace* between Austria and the newly formed Kingdom of Italy, signed at Vienna, October 3rd, 1866, it was again agreed that a Commission, composed of Italian, Austrian, and French Delegates, should proceed to the liquidation of the *Monte Lombardo-Venetian Debt*, the debts added to it since June 4th, 1859, and a further sum of 35,000,000 florins, portion of the Loan of 1854, allotted to Venetia, which should include the price of war material. This Commission was to proceed with the **Definite Regulation of the Accounts** between the Contracting Parties.

References : State Papers, XLIX. 364, 371, 377, LVI. 700 ; Hertalet, Map of Europe, etc., II. 1383, 1384, 1394, 1395, 1404, 1405, III. 1751, 1752.

276. **FRANCE and SARDINIA, in 1860.** Following the cession of Savoy and Nice to France in 1860, the *Treaty* for their annexation, signed at *Turin, March 24th, 1860*, stipulates, Art. 4, that one or more Mixed Commissions shall be appointed to settle the various questions connected with the annexation, and to fix the contributive parts of those Provinces in the Public Debt of Piedmont. A Convention signed at Paris, August 23rd, 1860, states that, in conformity with that Article, a Commission had been appointed for that purpose, and this **Definitive Convention** embodies the basis adopted by that Commission. The ratifications were exchanged at Paris, October 4th, 1860.

References : State Papers, L. 412, 420 ; Hertalet, Map of Europe, etc., II. 1430, 1452.

277. **FRANCE and MONACO, in 1861.** Subject to a Reservation that his private property should not be included in the cession of Mentone and Roccabruna to France, the Prince of Monaco by a *Treaty*, signed at *Paris, February 2nd, 1861*, renounced (Art. 1) for ever, for himself and his successors all rights over those Communes. By Art. 3 of this *Treaty* a **MIXED COMMISSION** was appointed to

inquire into and point out such measures as might be deemed necessary in order to secure to the Princes the privileges of this Reservation, without prejudicing the rights of third parties. An interesting part of the stipulation is that, "it is understood that the jurisdiction of this Commission is in no way separate from that of the Courts, should it be found necessary to have recourse to them."

References: Hertalet, Map of Europe, etc., II. 1468, 1464.

278. **SERVIA** and **TURKEY**, in 1862. At a Conference between the Plenipotentiaries of the Great Powers and Turkey, the *Protocol* of which was signed at *Kanlidja*, September 4th, 1862, a MIXED CIVIL COMMISSION was appointed, composed of members named by the Ottoman Government and the Servian Government, "to decide all questions of Expropriation, and of Indemnity contemplated in the present arrangement, except those which could only be discussed between the Turkish Government and the proprietors under its direct jurisdiction." This Commission was to conclude its labours within the space of four months.

References: State Papers, LII. 114; Hertalet, Map of Europe, etc., II. 1520.

279. **MONTENEGRO** and **TURKEY**, in 1864. At the request of Prince Danilo, of Montenegro, endorsed by the Conference of the Powers to which report was made by the Mixed Commission in 1860, a Turco-Montenegrin COMMISSION was appointed for the Regulation of Private Interests on the Frontier described by that Commission. This Commission, the exact date of whose appointment is not known, consisted of Lieut.-Col. Hafiz Bey, Ottoman Commissioner, and the Voivode and Senator, Giuro Matanovich, Commissioner for Montenegro. They assembled in a Preparatory Conference, the results of which were embodied in a *Protocol*, signed at *Cettigné*, May 3rd, 1864, and agreed upon certain dispositions, as the basis of their operations, the first of which was to the effect (Art. 1) "that the Turco-Montenegrin Commission should immediately commence its labours, taking Presika as the point of departure, and that *Procès Verbaux* of the said Commission should be written in the Italian language." According to a *Protocol* between Turkey and Montenegro, signed at *Constantinople*, October 26th, 1866, a JOINT COMMISSION of four appointed for the purpose, exact date does not appear, two by each of the Parties, met at Constantinople on that date, and proceeded to the execution of the *Protocol* of May 3rd, 1864.

(a)—The Commission agreed that "a MIXED COMMISSION shall proceed in the month of April next, at the latest, to the exchange and settlement of the Indemnities of Private Properties," and the execution of other provisions of the *Protocol*.

(b)—"Proceeding to the examination of the Map and the Specification drawn up by the International Commission, on November 8th, 1858, the Commission, after having referred them to the respective Governments, entirely admit the tracing of the Line of Demarcation of the Frontiers."

References: Hertalet, Map of Europe, etc., III. 1602, 1787.

280. **AUSTRIA** and **PRUSSIA** and **DENMARK**, in 1864. The *Treaty of Peace* between these Powers, signed at *Vienna*, October 30th, 1864, provided for the Rights of Mixed Proprietors, and the Mutual Restitution of all Captured Ships and their Cargoes, or their Value, and appointed (Art. 13) a MIXED COMMISSION OF CLAIMS to carry out the provision. It also provided (Art. 5) for the payment of Pensions by *Denmark* and the Government of the Duchies, and appointed another MIXED COMMISSION to decide on the claims, and to superintend the payments.

References: State Papers, LIV. 522; Hertalet, Map of Europe, etc., III. 1680.

281. **PRUSSIA** and **WURTEMBERG**, in 1866. By Art. 8 of the *Treaty of Peace* between these Powers, signed at *Berlin*, August 13th, 1866, ratified at *Berlin* the same month, the High Contracting Powers agree to appoint a COMMISSION to regulate Railway Traffic, and to lay down principles for the establishment of new railway communications.

References: Hertalet, Map of Europe, etc., III. 1704.

282. **BADEN and PRUSSIA, in 1866.** A similar COMMISSION was provided for, in identical terms, by Art. 8 of the *Treaty of Peace* between Prussia and Baden, signed at *Berlin August 17th, 1866*. The Ratifications of both Treaties were exchanged at Berlin in August, 1866.

References: Hertalet, Map of Europe, etc., III. 1709.

283. **BAVARIA and PRUSSIA, in 1866.** A similar COMMISSION was provided for, in identical terms, by Art. 9 of the *Treaty of Peace* between Bavaria and Prussia, signed at *Berlin, August 22nd, 1866*, ratifications of which were exchanged at Berlin, September 3rd, 1866.

References: Hertalet, Map of Europe, etc., III. 1716.

284. **AUSTRIA and PRUSSIA, in 1866.** The *Treaty of Peace* between Austria and Prussia, signed at *Prague, August 23rd, 1866*, provided (Art. 7) that, "for the purpose of making arrangements respecting the late Federal Property," a COMMISSION would "meet at Frankfort-on-the-Main, within six weeks at farthest from the Ratification of the Treaty, to which Commission all claims and demands on the German Confederation" (now dissolved) were to be sent in, "and they will be liquidated within six months. Austria and Prussia," it declared, "will send Representatives to that Commission, and all the other late Federal Governments are at liberty to do the same." The Ratifications of the Treaty were exchanged at Prague August 30th, 1866.

References: Hertalet, Map of Europe, etc., III. 1723, 1725

285. **HESSE-DARMSTADT and PRUSSIA, in 1866.** By the *Treaty of Peace* between Prussia and Hesse-Darmstadt, signed at *Berlin, September 3rd, 1866*, the Ratifications of which were exchanged on the 12th of the same month, a twofold arrangement was made:—

(1.) It was agreed (Art. 16) that COMMISSIONERS on both sides should be appointed by the High Contracting Parties to regulate the reciprocal cessions of territory, etc. These are described in two Articles of the Treaty (14 and 15), and the boundaries of the territory ceded to Prussia are described in an Appendix to Art. 15.

(2.) The books, MSS., and other inventory articles which before the year 1794 were in the Cathedral library of Cologne, but were then kept in the Grand-Ducal museum and library, were to be placed at the disposal of the King of Prussia for the Cathedral Chapter of Cologne, but the ownership of the several articles was to be finally decided by a JOINT COMMISSION of two members, appointed one by each Sovereign, or in disputed cases by an impartial Umpire, to be chosen by them.

References: Hertalet, Map of Europe, etc., III. 1729-1740.

286. **PRUSSIA and SAXONY, in 1866.** It was agreed, by the *Treaty of Peace* between Prussia and Saxony, signed at *Berlin, October 21st, 1866* (Art. 17), that a JOINT COMMISSION (consisting of "Commissioners on both sides") should meet immediately after the exchange of the Ratifications of the Treaty in order to arrange for the execution of all the stipulations referring to Telegraph Rights in both countries. The Ratifications were exchanged at Berlin October 24th, 1866.

References: Hertalet, Map of Europe, etc., III. 1777.

287. **AUSTRIA, RUSSIA, and MOLDAVIA and WALLACHIA, in 1866.** By a Treaty, signed at *Bucharest, December 15th, 1866*, between Austria, Russia, and the United Principalities of Moldavia and Wallachia, the navigation of the River Pruth was declared to be free and open to all flags, and provision was made for a PERMANENT MIXED COMMISSION, composed of delegates of Russia, Austria, and the United Principalities, for the purpose of regulating such navigation. A body of Regulations, which it was agreed might be modified when necessary by the Permanent Mixed Commission for the Navigation and Police of the River Pruth, was agreed upon by the Commissioners of Austria, Russia, and Roumania, and was signed at Bucharest, February 8th, 1871.

References: State Papers, LVIII. 631; Moore, V. 4852; Hertalet, Map of Europe, etc., III. 1789-1796, 1909.

288. **FRANCE and TUNIS, in 1869.** By a *Decree* of the Bey of Tunis of *July 5th, 1869*, after preliminary agreement between the Governments of Great Britain, France, and Italy, a FINANCIAL COMMISSION was established. The composition of this Commission we do not know. That it was international and had a permanent character is evidenced by the fact that in a reference to a Treaty between France and Tunis, signed May 12th, 1881, made by a Note between the British and French Governments, of May 20th, 1881, the former express the opinion that if the agreement contained in Art. VII. of that Treaty contemplates a change in the constitution of the Financial Commission in which British creditors are represented, an opportunity should be given to the creditors of expressing their views on the subject.

References : State Papers, LXXIII. 495 ; Hertalet, Map of Africa, etc., II. 549-553.

289. **FRANCE and GERMANY, in 1871.** (1.) By an *Additional Convention* to the Treaty of Peace, May 10th, 1871, between France and Germany, signed at *Frankfort, December 11th, 1871*, the Ratifications of which were exchanged at Paris, January 11th, 1872, a JOINT FINANCIAL COMMISSION was appointed (Arts. 11, 13, 14), which was to take charge of the accounts of works on both sides of the frontier, and to be entrusted with the accounts of various canals, of the canalisation of the Moselle, and of other interests belonging to the departments of the Meurthe and Moselle.

(2.) The same instrument stipulated that a MIXED COMMISSION should be appointed (Art. 14) relative to canals from the Rhone to the Rhine, and from the Marne to the Rhine.

(3.) MIXED COMMISSIONS were also appointed (Art. 15) for the maintenance of frontier waterways.

References : Hertalet, Map of Europe, etc., III. 1968-1973.

290. **UNION POSTALE UNIVERSELLE, in 1874.** THE INTERNATIONAL POSTAL UNION forms a STANDING COURT OF ARBITRATION, on the model of The Hague Court, inasmuch as Art. 16 of the *Treaty* constituting it, signed at *Berne October 9th, 1874*, between twenty-one of the Powers, provides that "in case of disagreement between two or more members of the Union, relative to the interpretation of the present Treaty, the question in dispute must be settled by Arbitral Judgment ; for this purpose each of the administrations affected by the case shall choose another member of the Union, which is not interested in the matter. The decision of the Arbitrators shall be given by an absolute majority of votes. In case of the votes being equally divided, the Arbitrators, in order to settle the question, shall choose another administration, equally free from interest in the dispute." This is, of course, a permanent factor of the administration of the Union.

References : *Annuaire de l'Inst. de Droit Int.*, 1877, pp. 218, 309-318.

291. **EGYPT and the POWERS, in 1876.** *International Courts.* The institution of these Courts is the turning point of recent Egyptian history. The inefficiency of the then existing machinery for the administration of justice to foreigners was explained in a report drawn up by Nubar Pasha in 1867, and communicated to the Powers. Negotiations followed, and Commissions of delegates of the Powers sat at Cairo in 1869, and at Constantinople in 1873. The result of their labours was a draft *Règlement d'Organisation Judiciaire pour les Procès Mixtes en Egypte*, by Art. 10 of which foreigners are empowered to bring actions against the Egyptian Government and the Estates of the Khedive. The French Government gave its adhesion to the *Règlement*, with certain modifications, in a Protocol, signed November 10th, 1874. The accession of Great Britain to the Convention was on July 31st, 1875. The Powers which sooner or later became parties to the arrangement were fourteen in number, viz., Germany, Austria, Belgium, Denmark, Spain, France, Great Britain, Greece, Italy, the Netherlands, Portugal, Russia, Sweden and Norway, and the United States. New Codes, to be administered by the Courts, came into operation on

October 18th, 1875, and the Courts themselves were opened for business on January 1st, 1876. The powers of the Courts, originally granted for five years, have been prolonged by a series of Decrees.

References: *Annuaire de l'Inst. de Droit Int.*, 1877, pp. 321, 337; 1878, p. 273; *Parl. Papers*, 1876, Egypt, No. 3; 1884, Egypt, No. 24; *N.R.G.*, 2me Série, II. 695; *T. E. Holland*, pp. 102, 103, 128-147.

292. **EGYPT and the POWERS, in 1876.** The *Caisse*:—*Treasury of the Egyptian Debt*. The pressure of debt had already become serious. In November, 1875, the year preceding the opening of the Courts, the Khedive sold his Canal shares to the British Government, and Mr. Cave was sent out, at the request of Nubar Pasha, to report upon the condition of the finances. His report was published in April, 1876. On the 8th of the same month a Decree was issued, postponing for three months the payment of the coupon about to become due, and on *May 2nd*, 1876, a Decree established the *Caisse de la Dette Publique*, which still subsists. The Commissioners of the *Caisse* were to be Egyptian functionaries, but to be foreigners nominated by the Governments of the countries which they were called upon to represent. Messrs. Kremer, Baravelli, and de Blignières were appointed accordingly, on the nomination of Austria, Italy, and France respectively. Major Baring was appointed for England on November 18th, but not on the nomination of the English Government. The functions of the *Caisse* were to commence from June 10th, 1876. An International Authority was for the first time given to the *Caisse* by the "Law of Liquidation," which was sanctioned by a Decree of July 17th, 1880.

References: *Parl. Papers*, 1876, Egypt, No. 7; Egypt, No. 8, pp. 54, 60, 63; 1879, Egypt, No. 2. p. 28; 1880, Egypt, No. 4; *T. E. Holland*, pp. 103, 104, 107, 147-154, 154-165.

293. **EGYPT and the POWERS, in 1878.** COMMISSION OF INQUIRY. Early in 1878 the state of Egyptian finance was again critical, and the government evaded the execution of Decrees granted against it by the International Courts. On March 30th, 1878, appeared a Decree appointing a COMMISSION OF INQUIRY, consisting of the four Commissioners of the *Caisse*, with M. de Lesseps as President, and Major Baring and Riaz Pasha as Vice-Presidents. Their report, dated August 19th, was accepted on the 28th by the Khedive, who accordingly, with the approval of the British Government, appointed Nubar Pasha, Prime Minister, with Mr. Wilson, as Minister of Finance, and M. de Blignières, as Minister of Public Works. A report made by the Commission of Inquiry on April 8th, 1879, showed the country to be bankrupt.

References: *Parl. Papers*, 1879, Egypt No. 2. pp. 230, 326; 1879, Egypt, No. 5, pp. 97, 159; *T. E. Holland*, p. 105.

294. **RUSSIA and TURKEY, in 1878.** By Art. 21 of the *Treaty of San Stefano, March 3rd*, 1878, which was not superseded by the Treaty of Berlin, as most of its clauses were, it was agreed that real property, belonging to the State, or to religious establishments situated out of the localities ceded to Russia, should be sold within the interval of three years, as should be arranged by a special RUSSO-TURKISH COMMISSION. The same Commission was to be entrusted with determining how the Ottoman Government was to remove its war material, munitions, supplies, and other State property actually in the forts, towns, and localities ceded to Russia, and not at the time occupied by Russian troops. The Ratifications of the Treaty of San Stefano were exchanged at St. Petersburg, March 17th, 1878.

References: *Hartalet, Map of Europe*, etc., IV. 2689; *T. E. Holland*, pp. 345, 346.

295. **AUSTRIA-HUNGARY and SERBIA, in 1878.** (a)—On July 8th, 1878, a *Convention* was concluded between Austria-Hungary and Serbia, by which the Government of the former engaged to connect within three years its Railway System with that of Serbia at Belgrade. The two Governments further engaged to act together to form junction lines with the Ottoman and Bulgarian Railways; and agreed that after the conclusion of peace a COMMISSION, composed of Delegates from Austria-Hungary, Serbia, Turkey, and Bulgaria, should meet at Vienna to draw up the necessary Convention on the subject.

(b)—A Railway Convention between Austria-Hungary and Servia, signed at Vienna, April 9th, 1880, in execution of Art. 38 of the Treaty of Berlin, stipulated that the Contracting Parties will unite in their endeavours to ensure, as soon as possible, the execution of the above Convention. It also provided for a SPECIAL JOINT COMMISSION of experts to settle points connected with the erection of a permanent bridge over the Save, and other matters—this Commission to arrive at the decisions in question as soon as possible, and at the latest within a period of six months after the exchange of ratifications. These were exchanged at Vienna June 14th, 1880.

References: State Papers, LXIX. 612; Hertslet, Map of Europe, etc., IV. 2788, 2947.

296. **THE POWERS and TURKEY, in 1878.** At the sitting of the Congress of Berlin, July 11th, 1878, it was decided that an INTERNATIONAL COMMISSION should be appointed to inquire into the state of the Rhodope Districts, Buyukderé. On the 17th of the same month a Memorandum was drawn up by the Ambassadors of Great Britain, Austria-Hungary, France, Germany, Italy, and Russia, at Constantinople, for the appointment of this Commission, on which Great Britain was represented by Mr. Fawcett, Consul-General and Judge of the British Consular Court, Constantinople. The Commissioners visited various districts, and on their return, Identical Reports were drawn up by the British, French, Italian, and Turkish Commissioners at Buyukderé on August 27th, 1878, and presented to their respective Ambassadors; but the Commissioners of Austria, Germany, and Russia refused to adopt the Report. The correspondence which passed respecting the proceedings of the International Commission sent to the Mount Rhodope Districts was laid before the British Parliament on August 15th and December 6th, 1878.

References: State Papers, LXIX. 862, etc., 1112; Parl. Papers, 1878, Turkey, Nos. 49, 50, and 52; Hertslet, Map of Europe, etc., IV. 2756, 2803.

297. **The POWERS and TURKEY, in 1878** The Plenipotentiaries of France, Great Britain, and Italy at the Congress of Berlin presented to its sitting of July 11th, 1878, a Declaration that a FINANCIAL COMMISSION should be established at Constantinople, to examine into the complaints of the Bondholders of the Ottoman Debt. This was done, for, on September 17th, 1881, a Conference, upon the subject of Bulgaria's share of the Public Debt of the Empire, was adjourned in consequence of a representation from the Russian Delegate, to the effect that the total amount of the Ottoman debt had not yet been ascertained by the Financial Commission recommended by the 18th Protocol of the Congress. This Commission was appointed thus: A Decree of the Ottoman Government recording the Arrangement agreed upon between the Sublime Porte and the Delegates of Foreign Bondholders respecting the Imperial Ottoman Debt, issued at Constantinople, December 20th, 1881, stated that the Imperial Government had, by a Note of October 23rd, 1880, invited the Foreign Bondholders to send a number of Delegates to Constantinople, and that this had been done. It had then appointed a Special Commission of its own charged to treat with these Delegates, and that "the deliberations of the said Commission commenced on September 1st, and continued during the months of September, October, November and December of the current year, having had for result a complete understanding as recorded in the Procès Verbaux of the Commission bearing the signatures of both Parties"; and forming the basis of the present Decree.

References: Hertslet, Map of Europe, etc., IV. 2755, 8079; T. E. Holland, p. 284, n. 2; Parl. Papers, 1882, Turkey No. 2; State Papers, LXIII. 115.

298. **BULGARIA and TURKEY, in 1878.** The provisional administration of Bulgaria after the Russo-Turkish War was, by the Powers which were signatories of the *Berlin Treaty of July 13th, 1878* (Arts. 4-7), placed under the direction of a MIXED COMMISSION until the completion of the Organic Law of Principality by the Assembly of Notables of Bulgaria, convoked at Tirnova, to which the drawing up of the Law had been entrusted, when the election of the Prince should follow immediately. The Commission consisted of an

Imperial Russian Commissary, an Imperial Turkish Commissary, and the Consuls of the other signatory Powers, delegated *ad hoc*. In case of disagreement the Representatives of the signatory Powers at Constantinople, assembled in Conference, were to decide. This provisional arrangement was not to last beyond nine months from the exchange of ratifications of the Treaty. The ratifications were exchanged August 3rd and 28th, 1878. The proclamations of the Czar to the Bulgarians of the Principality and of Eastern Roumelia respectively, counselling submission to their new rulers, were dated April 23rd, 1879.

References: N.R.G., 2me Série, V. 504; State Papers, LXIX. 749, etc.; LXX. 711; T. E. Holland, pp. 283, 284; Hertslet, Map of Europe, etc., IV. 2769-2771.

299. THE POWERS and TURKEY, in 1878. BULGARIA and TURKEY. (a)—By Art. 12 of the *Treaty of Berlin, July 13th, 1878*, it was stipulated that "a Turco-Bulgarian Commission shall be appointed to settle, within a period of two years, all questions relative to the mode of alienation, working, or use, on account of the Sublime Porte, of property belonging to the State and religious foundations" (Vakoufs), as well as the questions regarding the interests of private persons engaged therein. No such arrangement, according to Hertslet, had been made up to January, 1889. Whether anything has been done since to carry this stipulation into effect we have been unable to ascertain.

References: Parl. Papers, 1878, Turkey, No. 44; N.R.G., 2me Série III. 449; State Papers, LXIX. 749, etc.; T. E. Holland, p. 286; Hertslet, Map of Europe, etc., IV. 2773.

(b)—MONTENEGRO and TURKEY. Art. 30 of the *Berlin Treaty, July 13th, 1878*, stipulated that a Turco-Montenegrin Commission should be appointed to settle all such questions in Montenegro within a period of three years. Non-compliance with this provision was given by the Porte in March, 1884, as its reason for delaying the settlement of the frontier question. No such arrangement had been made up to January, 1889. Whether it has been since is not known.

References: T. E. Holland, p. 296; Hertslet, Map of Europe, etc., IV. 2784; State Papers, LXIX. 749, etc.

(c)—SERVIA and TURKEY. A Turco Servian Commission was appointed by Art. 39 of the same *Treaty, July 13th, 1878*, to settle within a period of three years all similar questions in Servia. Presumably, too, that provision was not carried out. It has not been traced.

References: T. E. Holland, p. 300; Hertslet, Map of Europe, etc., IV. 2789; State Papers, LXIX. 749, etc.

300. EASTERN ROUMELIA and the POWERS, in 1878. Art. 18 of the *Treaty of Berlin, signed July 13th, 1878*, provided for a EUROPEAN COMMISSION to arrange, in concert with the Ottoman Porte, the organisation of Eastern Roumelia and to administer, in concert with the Sublime Porte, the finances of the province until the completion of the new organisation. This Commission was to do its work, "within three months." It actually took nine months. The Commission sat from September 30th, 1878, till June 3rd, 1879. The administration of the finances was done by a Sub-committee. In August, 1878, Sir Henry Drummond Wolff and the Earl of Donoughmore were appointed members of this Commission. Mr. Thomas Michell (Consul-General for Eastern Roumelia) was appointed Assistant Commissioner May 20th, 1879, and remained as sole Commissioner after the departure of Sir H. Drummond Wolff, June 9th, 1879. The Organic Statute for Eastern Roumelia was signed at Galata Serai (Constantinople) April 26th, 1879, and on May 16th, 1879, a Firman was issued by the Sultan, ordering its execution.

References: Parl. Papers, 1879, Turkey, No. 9; N.R.G. V. 250; T. E. Holland, pp. 289, 290; Hertslet, Map of Europe, etc., IV. 2777, 2860-2868, 2870; State Papers, LXIX. 749, etc., LXX. 759, LXXI. 700.

301. ROUMANIA and TURKEY, in 1878. By Art. 47 of the *Treaty of Berlin, July 13th, 1878*, it was agreed in regard to Roumania, that "the

question of the division of the waters and the fisheries shall be submitted to the ARBITRATION of the EUROPEAN COMMISSION of the Danube." The later proceedings of this Commission show how this provision was carried out.

References : State Papers, LXIX. 749 ; T. E. Holland, p. 302 ; Hertslet, Map of Europe, etc., IV. 2792.

302. RUSSIA and TURKEY, in 1879. By Art. 6 of the *Treaty of Peace* between these Powers, signed at *Constantinople, February 8th, 1879*, of which the Ratifications were exchanged at St. Petersburg February 21st, 1879, it was agreed that a SPECIAL COMMISSION should be appointed by the Imperial Government of Russia and the Sublime Porte, in order to draw up an account of the expenditure caused by the maintenance of Ottoman prisoners of war. The account was to be made up to the date of the signing of the Berlin Treaty ; from it were to be deducted the expenses incurred by the Ottoman Government for the maintenance of Russian prisoners, and the balance once settled, was to be paid by the Sublime Porte in twenty-one equal instalments within the space of seven years.

References : N.R.G., 2me. Série, III. 468 ; T. E. Holland, p. 349 ; Hertslet, Map of Europe, etc., IV. 2347.

303. EGYPT and the POWERS, in 1880. *Commission of Liquidation.* On March 31st, 1880, a Declaration was signed by the Consuls-General of the five Powers, promising to accept the decision of a proposed "Commission of Liquidation" (and to get it accepted by the other Powers), and also to consent that the decision of the Commission should be binding upon the Mixed Courts. The Commission, consisting of two Englishmen, two Frenchmen, one German, one Austrian, and one Italian, was appointed by a Decree of the same date (March 31st, 1880), and presented its report on April 17th. A "Law of Liquidation," in accordance with this report, was sanctioned by a Decree of July 17th, 1880, and all the Powers interested in the Mixed Courts had assented to it before the end of August. This law reduced the interest on the unified debt to 4 per cent. and abolished the Monakabalah.

References : Parl. Papers, 1880, Egypt No. 2 ; 1880, Egypt, No. 4 ; 1884, Egypt, No 10 ; T. E. Holland, pp. 107, 167-193.

304. The POWERS and TURKEY, in 1880. It was stipulated, by Art. 23 of the *Treaty of Berlin, July 13th, 1878*, that Laws similar to the Organic Law for Crete (January 10th, 1868), but adapted to local requirements, should be introduced into the other parts of Turkey in Europe for which no special organisation had been provided by that Treaty, and further, that the Sublime Porte should depute SPECIAL COMMISSIONS, in which the native element should be largely represented, to settle the details of the new laws in each Province ; the European Commission instituted for Eastern Roumelia being consulted before the resulting schemes of organisations were put into force. The appointment of these Special Commissions was urged by Sir A. H. Layard in a *Note Verbale*, of June 27th, 1879. In May 1880, an International Commission, on which Great Britain was represented by Lord Edmund Fitzmaurice, sat accordingly at Constantinople, and on August 23rd a new Law for the European Provinces of Turkey, as revised by that Commission, was signed and sealed, when it adjourned *sine die*. The Commission also recommended to the Porte, as suitable for the Government of Albania, a scheme prepared by the Commissioners of Austria and France.

References : Parl. Papers, 1880, Turkey, No. 16 ; T. E. Holland, pp. 291, 292 ; Hertslet, Map of Europe, etc., IV. 2779, 2990 ; State Papers, LXIX. 749, etc.

305. GREECE and TURKEY, in 1881. By Art. 9 of the *Convention of May 24th, 1881*, (Ratifications exchanged June 14th, 1881), it was stipulated that "a Turco-Hellenic COMMISSION shall be entrusted with the settlement, within two years, of all matters concerning the property of the State, as well as of questions relating to the interests of private individuals, who may happen to be connected with them. This Commission will have to decide on the indemnity which Greece is to pay to Turkey from the lands which shall be admitted to

belong *bond fide* to the Ottoman Government, and to fix the annual revenue to be paid on them. Those questions on which an understanding cannot be come to shall be submitted to the decision of the mediating Powers." Art. 6 provided that contested questions connected with the disposal of the Imperial Estates should be submitted to this Commission, and eventually, according to the terms of Art. 9, to the decision of the mediating Powers. Also questions relating to arrears of taxes due to the Ottoman Government in the ceded territories were, by Art. 14, entrusted for settlement to the same Commission. Down to the end of 1884 no steps appear to have been taken towards carrying out these provisions, though they did not cease to be operative.

References : Parl. Papers, 1881, Greece, No. 7 ; 1882, Greece, No. 2 ; N.R.G., 2me Série, VI. 753 ; T. E. Holland, pp. 64-66.

306. **GREECE and TURKEY, in 1881.** By Art. 16 of the *Convention May 24th, 1881*, of which the Ratifications were exchanged on June 14th, 1881, and whose provisions were embodied in a Convention between Turkey and Greece, signed on July 2nd, 1881, "the mediating Powers reserve to themselves the power to appoint TECHNICAL COMMISSIONERS for the purpose of superintending the operations connected with the cession of the territories to Greece." Art. 3 of the Annexe to this Convention stipulates that "the Mediating Powers will name Military Delegates, who will constitute a COMMISSION destined to act as intermediary, for the evacuation by the Ottoman Authorities and the taking over by the Hellenic Authorities of the ceded territories"; and it defines the functions and duties of the Commission. This Commission, on which Major Ardagh was the British representative, arrived on June 30th, at Prévessa, and its final act was signed at Volo, on November 14th, 1881.

References : Parl. Papers, 1881, Greece, No. 7 ; 1882, Greece, No. 1, No. 2 ; N.R.G., 2me Série, VI. 753 ; T. E. Holland, pp. 66-69.

307. **GREECE and TURKEY, in 1881.** By Art. 3 of an Annexe to the Convention between the six Great Powers and Turkey, signed at *Constantinople, May 24th, 1881*, it was agreed that the mediating Powers would appoint a MILITARY COMMISSION to exercise a general supervision over the evacuation and occupation of the ceded territories. This Commission, on which Major-Gen. Sir E. B. Hamley, Lieut.-Col. C. F. Clery, Major Leopold Victor Swaine, and Lieut. E. Vincent were the British Representatives, arrived on June 30th at Prévessa, and its final Acts were signed at Arta, July 6th, 1881, at Tchah-Aghsi, September 18th, 1881, and at Volo, November 14th, 1881.

References : Parl. Papers, 1882, Greece, No. 1 ; T. E. Holland, pp. 68, 69 ; Hertalet, Map of Europe, etc., IV. 3061, 3062-3078.

308. **THE POWERS and TURKEY, in 1883.** *Mixed Commission of the Danube.* The appointment of this Commission was suggested by an *avant-projet*, drawn by a sub-committee of representatives of Austria, France, and Italy, which was considered by the European Commission of the Danube, assisted by Delegates of Servia and Bulgaria, in the spring of 1881. A Conference of the Powers called to consider this, and other questions, relative to the Navigation of the Danube, met at London on February 8th, 1883. By an Annexe to the Treaty drawn up by this Conference, and signed at *London, March 10th, 1883*, the MIXED COMMISSION of the Danube was instituted for the superintendence of the middle portion of the river, *i.e.*, the part of the Danube situated between the Iron Gates and Braila. This Annexe consists of 108 Articles, of which 1-10 refer to various matters of Navigation, 11-95 to the River Police, and 96-108 to the constitution and duties of the Mixed Commission. Ratifications of the Treaty were exchanged at the Foreign Office in London on August 21st, 1883, by Germany, Austria, France, Great Britain, and Italy ; on August 24th by Russia, and on October 25th by the Porte.

References : Parl. Papers, 1883, Danube, No. 5 ; N.R.G., 2me Série, IX. 392, 396 ; T. E. Holland, pp. 232, 233, 813-822.

309. **GREAT BRITAIN and PORTUGAL, in 1884.** By the provisions of the Congo Treaty (Arts. 4 and 5) between these Powers, which was signed at

London *February 26th*, 1884, freedom of trade and Navigation was applied to the River Congo and other waterways on the West Coast of Africa, and a MIXED COMMISSION, composed of Delegates of Great Britain and Portugal was appointed to draw up regulations for the Navigation, police, and supervision, etc., of these rivers. This Treaty was not ratified. The arrangement as regards the Congo was superseded by the provisions of the Berlin Act, of February 26th, 1885, appointing the International Navigation Commission of the Congo (which see).

References: Parl. Papers, Africa, No. 3, 1884; State Papers, LXXV. 476; Hertalet, Map of Africa, etc., II. 718, 714.

310. CONGO and FRANCE, in 1885. An Additional Convention between France and the International Association of the Congo, signed at *Paris, February 5th*, 1885, provided for the appointment of a JOINT COMMISSION composed of Delegates of the Contracting Parties, in equal number on both sides, to make an estimate of the value of each of the Stations ceded to France; such estimate to serve as a basis to determine equitably the sum to be paid by the Government of the French Republic to the Association for the said cession.

Reference: Hertalet, Map of Africa, etc., I. 212.

311. The EUROPEAN POWERS (and Africa), in 1885. The *General Act* of the Conference of *Berlin*, relative to the Development of Trade and Civilisation in Africa, etc., signed in that city, *February 26th*, 1885, contained (Chaps. 4 and 5) an "Act of Navigation for the Congo" (Arts. 13-25) and also an "Act of Navigation for the Niger" (Arts. 26-35), which applied to these rivers and their affluents the principles of the Final Act of the Congress of Vienna of 1816. By Art. 17 was instituted the "INTERNATIONAL NAVIGATION COMMISSION OF THE NIGER," charged with the execution of this Act. By Art. 8, also, the right of surveillance of territories where no Powers exercised rights of Sovereignty or Protectorate, was vested in this Commission. A Protocol recording the ratification of the Berlin Act by all the Powers, fourteen in number (except the U. S.) was signed at Berlin, April 19th, 1886.

References: State Papers, LXXV. 1178, LXXVI. 1021; Hertalet, Map of Africa, etc., I. 20-45, 45-47, 440.

312. EGYPT and the POWERS, in 1885. *Suez Canal.* It was agreed by common consent, between the Governments of Great Britain, Germany, Austria-Hungary, France, Italy, Russia, and Turkey, by a *Declaration*, signed at *London, March 17th*, 1885, that a COMMISSION, composed of Delegates named by these Governments, should meet at Paris on March 30th, 1885, to prepare and draw up a Conventional Act, establishing a definitive regulation guaranteeing at all times and for all Powers the freedom of the Suez Canal. This "SUEZ CANAL INTERNATIONAL COMMISSION," on which Great Britain was represented by Sir Julian Pauncefote and Sir Charles Rivers Wilson, met at Paris on the date agreed upon, and continued its sittings until June 13th, 1885, when the *Draft Treaty* for ensuring free use of the Suez Canal was adopted, and the sitting and work of the Commission closed with thanks to Secretaries and President.

References: Parl. Papers, 1885, Egypt, No. 19; Hertalet, Complete Collection, etc., XVII. 849; T. E. Holland, pp. 195, 369; Hertalet, Map of Europe, etc., IV. 3270-3274.

313. BULGARIA and EASTERN ROUMELIA, in 1886. By Art. 3 of the Arrangement of *April 5th*, 1886, it was agreed that, with a view to ensure for the future the order and tranquillity of Eastern Roumelia, a JOINT COMMISSION, appointed by the Sublime Porte and by the Prince of Bulgaria, should be directed to examine the Organic Statute of that Province of April 26th, 1879. This Commission was to complete its labours within a period of four months, and the results were to be submitted to the sanction of the Conference at Constantinople, when the Powers would give their formal sanction to the revision.

References: Hertalet, Map of Europe, etc., IV. 3155, 3156.

314. **MONTENEGRO and TURKEY, in 1886.** By an Arrangement between the Governments of Montenegro and Turkey, respecting the regulation of the question of Emigrants, and their debts or credits, done in duplicate at *Cettingé, October 21st, 1886*, it was agreed that the settlement of debts between Montenegrins and Emigrants should be relegated to a **MIXED COMMISSION**, composed of two members, Ottoman and Montenegrin, assisted by ten Valuers, half chosen amongst Montenegrins and half amongst Mussulman Emigrants. A note to this Arrangement, signed at *Cettingé, January 20th, 1888*, declares that the two Governments, not having given their approval to this Arrangement until the month of January, 1888, the period of one year accorded to debtors and creditors, to enable them to present themselves before the Mixed Commission, should be reckoned as commencing from the date of the formation of the said Commission.

References: Hertslet, *Map of Europe, etc.*, IV. 3186, 3187.

315. **MEXICO and UNITED STATES, in 1889.** These countries adopted a notable Arbitral Measure in the *Convention of March 1st, 1889*, by which a Permanent Board, denominated an **INTERNATIONAL BOUNDARY COMMISSION**, is established for the determination of questions arising out of changes in the course of the Rio Grande and the Colorado River, where they form the boundary. A Convention, signed November 12th, 1884, had provided that the boundary line should change with any natural changes in the channels of these rivers; and this was the result. The provision, however, is the more notable because it was the consummation of Arbitral stipulations for determining the boundary, which are found in the Treaties between the two countries of January 12th, 1828, February 2nd, 1848, December 30th, 1853, and July 29th, 1882. By a Convention, signed at Washington, November 21st, 1900, and ratified December 24th, 1900, the powers of this International Commission were prolonged by the two Governments for an indefinite period.

References: American Conference on International Arbitration, p. 190; Am. State Papers, 1889, 1900; Brit. and For. State Papers, XCII. 1126, 1127; *Tratados y Convenciones Vigentes. Mexico*, 1904, 75-79, 168-172, 472-474; Gaspar Toro, *Notas*, pp. 142, 143; Moore, II. 1859, V. 4851; P.I., pp. 338-335.

316. **GERMANY, GREAT BRITAIN, and UNITED STATES, in 1899.** A Conference of the Plenipotentiaries of the three Governments respecting the affairs of Samoa, was held at Berlin from April 29th to June 14th, 1899. By the Final Act of this Conference, signed on the latter date, and ratified April 12th, 1890:—

(a)—A SUPREME COURT was established in Samoa, and its jurisdiction defined (Art. 3); it was also agreed that the Chief Justice should be named by the three Signatory Powers in common accord, or, failing their agreement, by the King of Sweden and Norway, who, by a Decree of October 3rd, 1890, appointed M. O. G. W. Cedercrantz to be the first Chief Justice of Samoa.

(b)—In order to adjust and settle all claims by aliens, of titles to lands, a COMMISSION was appointed (Art. 4), consisting of three members, one named by each of the three Treaty Powers, together with an officer to assist, styled "Native Advocate," appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa. The Supreme Court was perpetuated, and all future alienation of land prohibited, by the amended Act of 1899. The President of the Municipal Council of Apia was also appointed, by agreement of the three Powers. They agreed upon Baron von Pilsach.

References: Parl. Papers, Samoa No. 1, 1890; No. 2, 1890; No. 1, 1899; Dreyfus, 185, 186.

317. **GREAT BRITAIN and PORTUGAL, in 1891.** By a mutual exchange of correspondence the two Governments, on June 11th, 1891, agreed to lease territory on the Zambesi and on Lake Nyassa, and appointed a **MIXED COMMISSION**, consisting of three members, one appointed by each and the third to be named by a neutral Power, to determine sites, prices, etc.

References: State Papers, LXXXIII. 890 (833-894).

318. GREECE and TURKEY, in 1897. *Payment of Indemnity.* By Art. 2 of the preliminary Treaty of Peace, signed at *Constantinople, September 18th, 1897*, Greece undertook to pay a war indemnity to Turkey of £T.4,000,000. It was stipulated, that for the purposes of facilitating the speedy payment of this indemnity, an INTERNATIONAL COMMISSION should be constituted at Athens, composed of one representative of each of the Mediating Powers, and that the Greek Government should secure the passing of a law, previously sanctioned by the Powers, which should regulate the mode of Procedure of the Commission, etc. This was done, and Art. 1 of the Greek Law of Control, which was transmitted by the Greek Minister to the Powers on March 10th, 1898, placed the collection of revenue and the service of the loan for the war indemnity absolutely under the control of the International Commission.

References : State Papers, XC. 403-430, 546-553 ; XCI. 124, 473 ; *Herald of Peace* (Text of Treaty), October 1st, 1897.

III.—DELIMITATION COMMISSIONS.

The survey, and so the final settlement, of international boundaries, is committed, sooner or later, to Joint Commissions, but, as a rule, the functions of these Commissions are judicial only in a limited sense. Such are the following :—

319. FRANCE and WESTPHALIA, in 1808. By Art. 17 of the *Treaty of Leipzig*, dated *March 19th, 1808*, a COMMISSION was appointed for the definite demarcation of the boundaries between the two kingdoms. The result of its labours, as regards the delimitation, are unknown, but a Convention was published, signed by it, at Auerstadt on February 26th, 1812, and at Cassel on April 15th, 1812, for the repression of mutual forestal misdemeanours.

References : Schoell, II. 499 ; *Moniteur*, September 28th, 1813.

320. AUSTRIA and BAVARIA, in 1809. By Art. 3 of the *Treaty of Schoenbrunn, October 10th, 1809*, the tracing of the line from the Danube to the Lake of Atter, which marked the boundary of the part of Upper Austria, in the District of Hausrück, ceded to the King of Bavaria, was entrusted to a DELIMITATION COMMISSION. The Commissioners found they could not follow the instructions of the Article, because the framers of the Treaty had been furnished with faulty maps ; they therefore struck out a line of their own.

References : Schoell, II. 507, III. 139 ; R., XII. 210 ; *Moniteur*, October 29th, 1809.

321. AUSTRIA and FRANCE, in 1809. In execution of Art. 12. of the *Peace of Schoenbrunn, October 10th, 1809*, a Military Convention was concluded at Vienna on October 26th, in the same year, and ratified at Schoenbrunn the following day, by Marshal Berthier and Count de Wrba. It was composed of nineteen Articles, and, under No. 13, a JOINT COMMISSION was appointed, the members of which were chosen by the Commanders of the Russian and Austrian Armies, for carrying out the objects of the Convention, in general, and the provisional delimitation of a district of Eastern Galicia, ceded by Austria to Russia, in particular.

References : Schoell, III. 142 ; R., XII. 217.

322. BAVARIA and ITALY, in 1810. *Boundary and Cession of Territory.* Art. 3 of the *Treaty of February 28th, 1810*, between Italy and Bavaria, ceded to Napoleon Bonaparte, in his capacity as King of Italy, parts of the Italian Tyrol. The French and Bavarian members of the BOUNDARY COMMISSION met at Bolzano, and settled the new frontier by a Procès Verbal, which was signed on June 7th, and the cession was proclaimed, by a Royal Patent, on June 23rd, 1810. The part of the Tyrol given up comprised a considerable part of the Districts of the Adige and the Eisach, and included 305,000 inhabitants.

References : Schoell, II. 508 ; Winkopp, XVI. 254 (for patent).

323. **PERSIA and RUSSIA, in 1813.** In *October* 1813, Peace was concluded between Persia and Russia, at Gulistan, and a *Treaty* was concluded which indicated generally the Boundary between the Russian and Persian Empires, but leaving its exact direction to be settled by a JOINT COMMISSION appointed by Art. 2 of the Treaty. For some years afterwards a nominal Peace was maintained, but in the adjustment of the boundaries by this Commission many difficulties and disputes arose. The Russians occupied, and refused to evacuate, the District of Gokcha which the Persians claimed. Hostilities were therefore renewed in 1826.

References: C. U. Aitchison, Collection of Treaties, Engagements and Sanads, India, Calcutta, 1892, X. 10, and Appendix No, 5, p. X.

324. **FRANCE and SPAIN, in 1814.** By Art. 3, Sec. 8, of the *First Peace of Paris, May 30th*, 1814, it was agreed that on the side of the Pyrenees the Frontiers between the two Kingdoms of France and Spain shall remain as they were on January 1st, 1792, and "a JOINT COMMISSION shall be named on the part of the two Crowns for the purpose of finally determining the line."

References: Hertslet, Map of Europe, etc., I. 7; State Papers, I. 151.

325. **PRUSSIA and RUSSIA, in 1815.** In the Treaty between Prussia and Russia, relating to Poland, signed at *Vienna, May 3rd*, 1815, it was agreed that a "MILITARY AND CIVIL COMMISSION shall be immediately appointed, to construct an exact Map of the new Frontier, annexing the topographical description thereto, to place the boundary posts, and describe the angles of its situation, so that in no case the least doubt, dispute, or difficulty may arise, if, in the course of time, the replacing of a boundary mark, destroyed by any accident, should be disputed" (Art. 41). By a Russian Manifesto of February 26th, 1832, the Kingdom of Poland was declared to be perpetually united to the Russian Empire, and to form an integral part thereof. The British Government protested against this Manifesto on July 3rd, 1832, as being an infraction of the Vienna Congress Treaty.

References: Hertslet, I. 105-119; Schoell, III. 399; State Papers, II. 56.

326. **AUSTRIA and RUSSIA, in 1815.** The same provision was made, in identical terms, in the Treaty signed the same day (*May 3rd*, 1815) between Austria and Russia, relative to Poland, which Treaty formed Annexe 1 to the Vienna Congress Treaty of June 9th, 1815 (Art. 38). The Boundary Treaty between these two countries, signed at *Radziwilow, July 10th*, 1829, was formed, the two Rulers "having resolved to carry out" the above Article, "for the re-establishment by a MIXED COMMISSION of the Frontier, commencing at the Boug, to the Dniester between the Russo-Polish Provinces," etc., in accordance with Art. 3 of the same Treaty, to regulate and renew the line of demarcation between Bessarabia and the Bucovine, etc.

References: Hertslet, Map of Europe, etc., I. 94-104, II. 810; Schoell, III. 398; State Papers, II. 56.

327. **PRUSSIA and SAXONY, in 1815.** By Art. 3 of the *Treaty*, signed between Saxony and the Allies (Austria, Prussia, and Russia) at *Vienna, on May 18th*, 1815, a MIXED COMMISSION was agreed upon, to be appointed, one each by the King of Prussia and the King of Saxony, and a third by the Emperor of Austria, to proceed conjointly in fixing the Limits of the Countries which were to change Sovereigns by virtue of the Treaties. As soon as the Commissioners should execute the duty assigned to them, and this had been approved by the two Sovereigns, maps should be constructed, and signed by the respective Commissioners, and Boundary Marks placed to define their limits.

References: Hertslet, Map of Europe, etc., I. 134-136; State Papers, II. 84; Schoell, III. 395.

328. **AUSTRIA, PRUSSIA, and RUSSIA, in 1815.** By another *Additional Treaty* between these Powers, relative to Cracow, signed at *Vienna, May 30th*, 1815, a "COMMISSION to mark Boundaries" was appointed. The provision ran (Art. 5):—"Immediately after the signature of the present Treaty a JOINT COMMISSION shall be appointed, composed of an equal number of Commissioners

and Engineers, to mark out the line of demarcation, to place the Boundary posts to describe the angles and bearings, and to construct a Map containing a local description, so that no misunderstanding or doubt may in future arise upon these points. The Boundary posts, describing the territory of Cracow, shall be numbered and marked with the arms of the Power bordering on that territory, and of those of the free City of Cracow. The frontiers of the Austrian territory, opposite to that of Cracow, being formed by the *Thalweg* of the Vistula, the Austrian Boundary posts shall be fixed on the right bank of that river. The circle comprehending the free commercial territory of Podgorze shall be pointed out by particular posts, marked with the arms of Austria, and bearing the inscription "Free Line of Commerce" (Wolny okrag dla handlu).

References: Hertalet, Map of Europe, etc., I. 122; Schoell, III. 400; State Papers, II. 74.

329. **NETHERLANDS and PRUSSIA, in 1815.** Boundaries of the Kingdom of the Netherlands. By Arts. 2 and 4 of the *Treaty* between Great Britain, Austria, Prussia, and Russia, and the Netherlands, signed at *Vienna May 31st*, 1815, which formed Annex to the Vienna Congress Treaty of June 9th, 1815—the Articles in question forming Nos. 66 and 68 of the latter Treaty, the line of the frontier was defined. This line, it was stipulated, should be examined by a MIXED COMMISSION to be appointed without delay, for the purpose of proceeding to the exact determination of the limits both of the Kingdom of the Netherlands and of the Grand Duchy of Luxembourg, in other Districts, and in the whole territory as far as Kerkerdom. The demarcation between the two Kingdoms, Prussia and the Netherlands, formed the object of two later Treaties, that of June 26th, 1816, at Aix-la-Chapelle, and the other of October 7th, 1816, at Cleves, Arts. 2-45 of which gave a detailed description of the line of Frontier to be traced by Commissioners. By the Treaty of November 15th, 1831, between the five Powers and Belgium, the Union between Holland and Belgium was dissolved, and the above arrangement was revised.

References: Hertalet, Map of Europe, etc., I. 179-181, 230, 248-252; R., XIV 24, 25; Schoell, III. 411; State Papers, II. 8, 187.

330. **ALLIED POWERS and FRANCE, in 1815.** By Art. 1, Sec. 2, of the *Definitive Treaty* of Peace between Great Britain, Austria, Prussia, and Russia on the one side, and France on the other, signed at *Paris, November 20th*, 1815, it was stipulated that a COMMISSION, the Members of which should be named on both sides by the High Contracting Parties, should, within the space of three months, proceed upon the survey of the frontiers of Eastern France, along the Rhine, etc.

References: State Papers, III. 280; Hertalet, Map of Europe, etc., I. 346.

331. **ALLIED POWERS and FRANCE, in 1815.** By the same Article (1, Sec. 6) it was agreed that "the High Contracting Parties shall name, within three months after the signature of the present Treaty, COMMISSIONERS to regulate everything relating to the designation of the Boundaries of the respective Countries, and, as soon as the labours of the Commissioners shall have terminated, Maps shall be drawn and landmarks shall be erected, which shall point out the respective limits."

References: State Papers, III. 280; Hertalet, Map of Europe, etc., I. 346.

(a)—In conformity with the above, and according to the stipulation of the Treaty of Paris of May 30th, 1814, FRANCE and the NETHERLANDS concluded a Boundary Treaty, which was signed at Courtray, March 28th, 1820. Art. 1 of this Treaty provides that the Boundary should be settled according to the Procès-Verbaux and Drawings of the Commissioners, made separately on either side under the direction of the Sieur Etienne Nicolas Rousseau for France, and the Sieur Jean Egbert van Gorkum for the Netherlands, both Members of the Boundary Commission, whose labours were regulated by this Treaty.

References: State Papers, LV. 395; Hertalet, Map of Europe, etc., I. 624-627.

(b)—References to the execution of the above Article and the appointment of

Commissioners according to its provisions are to be found, also (1) in the Boundary Convention between **BAVARIA** and **FRANCE**, signed at Weissenburg, December 9th, 1825, and (2) the Boundary Convention between **FRANCE** and **PRUSSIA**, signed at Sarrebruck, October 23rd, 1829. Reference is also made (3) to the Members of the Boundary Commission, whose names follow, in the Procès Verbal between the Commissioners of **FRANCE**, **SWITZERLAND**, and **NEUCHÂTEL** for the Demarcation of the Frontier between France and Neuchâtel, November 4th, 1824.

References: Hertslet, Map of Europe, etc., I. 718, 736, II. 837; State Papers, XVI. 907.

332. **SARDINIA** and **SWITZERLAND**, in 1816. Art. 22 of the *Treaty* between Sardinia, the Swiss Confederation, and the Canton of Geneva, signed at Turin, March 16th, 1816, provides for the immediate appointment of a **BOUNDARY COMMISSION** of two Members, one by His Sardinian Majesty and the other by the Swiss Authorities, "to proceed to the Delimitation between the two countries, in such manner as to complete it before the exchange of the Ratifications." "The Commissioners," it stipulated, "shall draw up a Procès Verbal of their proceedings, joining thereto a topographical plan of the whole of the Limits, wherein the several Communes shall be described, which Plan shall be signed by them. The said document shall be signed in triplicate, and shall be annexed to the present Treaty.

References: State Papers, VII. 21; Hertslet, Map of Europe, etc., I. 433.

333. **AUSTRIA** and **BAVARIA**, in 1816. The ancient boundaries separating the country of Salzburg from that of Berchtholdsgaben (belonging to Bavaria), and from the Bailiwick of Reichenhall, having several disputable points, the High Contracting Parties to the *Treaty of Limits*, signed at Munich April 14th, 1816 (which formed Annex No. 11, to the General Treaty of Frankfort of July 20th, 1819), agreed (Art. 19) that as soon as the season should permit, a **MIXED COMMISSION** should "be sent to those points to settle the same definitely, in such a manner as to remove the cause of every future contention." The result of its labours was embodied in the Boundary Convention between the two Parties, which was considered as a supplement to this Treaty (Art. 3), signed at Salzburg, September 30th, 1818.

References: Hertslet, Map of Europe, etc., I. 441, 442, 556; Schoell, III. 555; State Papers, VII. 63.

334. **FRANCE** and **PORTUGAL**, in 1817. A difference between the Courts of Paris and Rio Janeiro, in reference to the delimitation of Guiana, was ended by a *Treaty*, which the Duke de Richelieu and the Chevalier de Brito, Portuguese Minister at the Court of France, signed at Paris, August 28th, 1817. By Art. 2 of this Treaty it was agreed that immediate steps should be taken to appoint and send out a **COMMISSION** to fix the limits of the French and Portuguese Guianas, in conformity with the precise sense of Art. 8 of the Treaty of Utrecht (April 11th, 1743), and to the stipulations of the Act of Congress of Vienna (June 9th, 1815), "the said Commissioners shall terminate their labours within the delay of one year at latest from the day of their meeting in Guiana. If, at the expiration of the term of one year, the said respective Commissioners should not have come to an understanding, the two High Contracting Parties shall come to some other amicable arrangement under the Mediation of Great Britain, and always in conformity with the precise sense of Art. 8 of the Treaty of Utrecht, concluded under the Guarantee of that Power."

References: State Papers, IV. 818; Hertslet, Map of Europe, etc., I. 580; Schoell, III. 561, 562.

335. **BAVARIA** and **FRANCE**, in 1825. By the **BOUNDARY CONVENTION** between these two countries, signed at Paris, July 5th, 1825, a Joint Commission was appointed to delimitate the unsettled part of the Boundary between them. Art. 2 contains a description of the Boundary Line from the Commune of Obersteinback to the Rhine, and in Arts. 4 to 6, the duties of the Boundary.

Commissioners are set forth. Other parts of the Boundary between France and Germany, *e.g.*, between Baden and France, were settled by Treaties of January 30th, 1827, and April 5th, 1840.

References : State Papers, XVII. 1270, XXIX. 1092 ; Hertslet, Map of Europe, etc., I. 727-730, 764-766, II. 1006, 1007.

336. **RUSSIA and SWEDEN, in 1826.** *Lapland Boundary.* In order to prevent the collisions to which the absence of a precise demarcation between Norway and Russia gave rise in the Foellds Districter (Districts in common) in Lapland, these two Powers, by the *Convention of Limits*, signed at *St. Petersburg May 14th*, 1826, appointed (Art. 4) a JOINT COMMISSION to demarcate, on principle of reciprocal necessity, the Limits of their respective Possessions as well as the frontier relations of the Lapland Communes in those districts. JOINT COMMISSIONERS, says Art. 11, had been sent to the spot in 1825, and the topographical chart, drawn up and signed by the respective Commissioners, had formed the basis of the negotiations and was annexed to the present Convention.

References : State Papers, XIII. 1034 ; Hertslet, Map of Europe, etc., I. 744-746.

337. **MEXICO and UNITED STATES, in 1828.** By the *Treaty of Limits of January 12th*, 1828, the United States and Mexico engaged to appoint each a Commissioner and a Surveyor to determine the Boundary Line, and they also agreed to accept the result reached by them. There was no provision for the decision of questions of difference, if any, between the persons so appointed.

References : Moore, II. 1358.

338. **COLOMBIA and PERU, in 1829.** The original Republic of Colombia, founded by Simon Bolivar in 1819, entered into an Agreement with Peru in the Convention of Giron, signed on *February 28th*, 1829, to appoint a JOINT COMMISSION to settle the limits of the two States on the basis of the political division of the Viceroyalties of New Granada and Peru, August, 1809. A new Government was formed in Peru. Conferences followed at Guayaquil, September 16th to 22nd, 1829, to formulate a definitive Treaty of Peace, the protocols of which Conferences contain a new Agreement for a Mixed Boundary Commission, and the Treaty of Peace itself, signed at Guayaquil, September 22nd, 1829 (Arts. 5-8) contains the provisions for the same. The Treaty was reported and approved, and the Colombian members of the Joint Boundary Commission appointed. The ratifications were exchanged at Lima, October 20th, 1829. On August 11th, 1830, a Protocol was signed at Lima laying down instructions for the Commission, the Colombian members of which were on the frontier ready for work on December 1st. But the Delegates from Peru were not appointed, and the dismemberment of ancient Colombia, by the separation of Venezuela and Ecuador on February 29th, 1832, followed soon after, and put an end to the delimitation proceedings.

References : Anales Diplomaticos y Consulares (Colombia), 1901, II. 117, 700-708, 790-796 ; Tratados del Peru, V. 171-732 ; Statesman's Year Book, 1897, pp. 433, 459 ; Gaspar Toro, Notas, etc., p. 158.

339. **GREECE and TURKEY, in 1832.** The *Boundary "Arrangement,"* signed at *Constantinople, July 21st*, 1832, between France, Great Britain, and Russia, on behalf of Greece and the Porte, which "was destined to remain in force for nearly half a century," fixed the frontiers between the two States and (Art. 1) the indemnity to Turkey "in consequence of the decision of the Conference of London" (Art. 2), and, also, appointed a BOUNDARY COMMISSION, which should "immediately proceed to the marking out of the Boundary now settled." "A Commissioner," it said, "shall be appointed by the Sublime Porte to join in the labours of this Demarcation," and a Commissioner appointed by the Greek Government may co-operate in the same labours. The Commissioners were : for Great Britain, Lieut.-Col. G. Baker ; for France, Lieut.-Col. J. Barthélemy ; and for Russia, Col. A. Scalon. They commenced their labours in September, 1832, and the territory assigned to the new Kingdom was incorporated into it by an Act of the Regency dated February 21st, 1833. The maps prepared by

the Commissioners were presented by the representatives of the three Powers to the Porte, and its approval of them was brought to the cognisance of the Conference of London on January 30th, 1836. The "Arrangement" remained in force till the Convention of May 24th, 1881.

References: Hertalet, Map of Europe, etc., II. 905, 906, 917; State Papers, XXII. 984, 968; Protocols, No. 52, Annexe A, No. 58; Holland, pp. 15, 20, 21, 35n.

340. **SERVIA and TURKEY, in 1833.** A Firman of the Sultan (Mahmoud II.), addressed to the Prince of Servia, in December, 1833, refers to other Firmans by which it was ordered that COMMISSIONERS should be appointed by the Prince as well as by Hossein Pasha, "to go on the spot to make a correct survey, and to determine the Boundary of the Districts of Servia according to the topographical maps and other information furnished for the purpose."

References: Hertalet, Map of Europe, etc., II. 980.

341. **RUSSIA and TURKEY, in 1834.** A Treaty between Russia and Turkey, respecting Moldavia and Wallachia, signed at *St. Petersburg, January 29th, 1834*, affirms that "the two High Courts having deemed it necessary to establish, as has been stipulated in the Treaty of Adrianople" (September 14th, 1829), "a Line of Demarcation between the two Empires in the East, such as may henceforth prevent every species of dispute and discussion," therefore "Conformably to Art. 4" of the above Treaty, a Line is described, and COMMISSIONERS are appointed on both sides to examine the localities, settle the Frontiers, and erect Posts marking the Boundary.

References: Hertalet, Map of Europe, etc., II. 986, 987; State Papers, XXVI. 1246.

342. **PRUSSIA and RUSSIA, in 1835.** A *Definitive Treaty* between Prussia and Russia, signed at *Berlin, March 4th, 1835*, defined the Boundary between the Prussian States and Poland, from the confines of the Grand Duchy of Posen to the Republic of Cracow, and (by Arts. 55 and 56) appointed COMMISSIONERS to complete the Demarcation of 1808. The Preamble to this Treaty notes the fact that "the Commission appointed in 1808 to fix the limits between the Prussian States and the Duchy of Warsaw, did not determine the Frontier on all points where the territories were claimed by both parties." The Boundary Act between Prussia and Russia, signed at Tarnowitz, December 13th, 1836, concluded the labours of the Demarcation Commissioners, after they had settled the Boundary on the spot, and gave a detailed description of the places at which the Frontier Posts had been erected.

References: Hertalet, Map of Europe, etc., II. 958-955, 964, 965; State Papers, XXIII. 288.

343. **BELGIUM and HOLLAND, in 1839.** (a)—By Art. 6 of the Annexe of the *Treaty of London, April 19th, 1839*, which cancelled and yet confirmed the Treaty of November 15th, 1831, it was settled that "the said limits" (as described in Arts. 1, 2, and 4), of the territories of the separated Kingdoms "shall be marked out in conformity with those Articles by Belgian and Dutch COMMISSIONERS of DEMARCATION, who shall meet as soon as possible in the town of Maestricht."

References: Hertalet, Map of Europe, etc., II. 860-863, 982-985; State Papers, XVIII. 646, XXVII. 990.

(b)—The *Boundary Treaty* between Belgium and Holland, signed at *The Hague, November 5th, 1842*, recognises (Preamble) the point at which the labours of the Commissions appointed above had reached, and in order to smooth all difficulties, settles certain points which had not been sufficiently determined in the above Treaty. It also stipulates (Art. 70) that MIXED COMMISSIONS should assemble fifteen days after the ratification of the Treaty. A Boundary Convention, signed at Maestricht, August 8th, 1843, refers (Art. 1) to the Maps and Plans drawn by the Commissioners.

References: Hertalet, Map of Europe, etc., II. 1029-1033; State Papers, XXXI. 815, XXXV. 1202.

344. AUSTRIA and ITALY, in 1841. The State Boundary Line was laid down by an *Italiano Illyrian* Commission in 1841; and, by the Final Boundary Act, between Austria and Italy, signed at *Venice*, December 22nd, 1867, this line was taken to form the Boundary of private or communal property.

References: Hertslet, Map of Europe, etc., III, 1833.

345. GREAT BRITAIN and UNITED STATES, in 1842. The settlement of the North-Eastern Boundary line, which was described in Art. 1 of the *Webster-Ashburton Treaty* of August 9th, 1842, was entrusted to a JOINT COMMISSION OF DELIMITATION, and on June 28th, 1847, Col. J. Bucknall Estcourt and Mr. Albert Smith, the British and American Commissioners, signed, at Washington, their final report, at the conclusion of which they say, "that the most perfect harmony has subsisted between the two Commissioners from first to last, and that no differences have arisen between the undersigned in the execution of the duties entrusted to them."

References: Moore, I. 154, 161; Brit. and For. State Papers, LVII. 823, 882; XXXIII. 763-806; Curtis's Life of Webster, II. 204, 205; see also for the Joint Report of Commissioners, Smith and Estcourt on the N.E. Boundary, and Richardson's Messages and Papers of the Presidents, IV. 170.

346. PERSIA and TURKEY, in 1843. This was a question of the Perso-Turkish Frontier, for the settlement of which a MIXED ANGLO-RUSSIAN COMMISSION was appointed in 1843. The outcome of the labours of this Commission, which lasted more than twenty-five years, has been rather a careful delineation of the disputed tract than the delimitation of an exact boundary. The territorial claims of Turkey and Persia were founded upon the Treaty of Sultan Murad IV. with Shah Sufi, in 1639, and that was made on the basis of Suleyman's Treaty of 1555.

References: Encyc. Britannica, XVIII. 616, 617; Turkey, Story of the Nations, p. 220.

347. NATAL and ZULULAND, in 1843. On October 5th, 1843, a Treaty was concluded between Panda, King of the Zoolah (Zulu) nation, and the Hon. Henry Cloete, LL.D., H.B.M. Commissioner for Natal, which, after settling the Boundary between Natal and Zululand (Art. II.) provided that the boundary line should be fixed by a JOINT COMMISSION, consisting of such Commissioner as Her Majesty may appoint, and any two Indunas or Commissioners whom Panda, the Zoolah (Zulu) King, may appoint for that purpose.

References: Hertslet, Complete Collection, etc., XV. 848; State Papers, XXXIII. 1075; Hertslet, Map of Africa, etc., I. 484, 532.

348. AUSTRIA and BAVARIA, in 1844. The Treaty between Austria and Bavaria respecting the Boundary of Tyrol and Vorarlberg, which was signed at *Munich*, January 30th, 1844, was concluded, in order to put "an end to the controversies respecting this Boundary, and to prevent such boundary disputes in future." With this object it arranges to have "the whole Boundary line, from Scheibelberg, where the boundaries of Salzburg, Tyrol, and Bavaria meet, to the Lake of Constance (Bodensee), examined by COMMISSIONERS, and to have it defined and permanently marked." Art. 41 provides for the settlement of disputes, should they arise.

References: Hertslet, Map of Europe, etc., II. 1034.

349. AUSTRIA and SARDINIA, in 1844. *Italian Boundaries.* By an Agreement between Austria and Sardinia, forming Art. 8 of the *Treaty of Delineation* between Lucca, Modena, Tuscany, Austria, and Sardinia, signed at *Florence*, November 28th, 1844, a JOINT COMMISSION was instituted in the following terms:—"Nevertheless, the value of the above-mentioned States to be exchanged between them, namely, Placentia, with a circle (*zona*) or district that has been decided upon, and the Parmesan territory which borders on Sardinia, must be ascertained and agreed upon on the precise time of Reversion" (contemplated by the Treaty of May 20th, 1815) "in an impartial and equitable manner by an

AUSTRO-SARDINIAN COMMISSION, and, in the improbable case of dissension, it has been agreed between the two Parties to refer the case at once to the decision of the Holy See."

References: Hertslet, Map of Europe, etc., II. 1045-1060.

350. **MODENA, TUSCANY**, etc., in 1844. Article 9 of the *Treaty of Delineation* between Lucca, Modena, Tuscany, Austria, and Sardinia, signed at Florence, November 28th, 1844, provides that the frontier line will be "determined" and "traced out by TUSCAN and MODANESE COMMISSIONERS, and in the manner now fixed upon." Then followed detailed instructions.

References: Hertslet, Map of Europe, etc., II. 1055-1059.

351. **MEXICO and UNITED STATES**, in 1848. By Art. 5 of the *Treaty of Guadalupe Hidalgo*, signed February 2nd, 1848, which described the Boundary Line between the two countries, a JOINT DELIMITATION COMMISSION was appointed, consisting of four members, a Commissioner and a Surveyor being appointed by each of the parties. The Commission was to meet, within a year from the date of ratification, in the Port of San Diego, and to proceed to mark out the described line throughout its course to the mouth of the Rio Bravo del Norte. The Treaty was ratified at Querétaro on May 30th, 1848. This Mixed Commission met and did its work as stipulated.

References: Tratados y Convenciones Vigentes, Mexico, 1904, pp. 1-25, 27; Moore, II., 1248, 1358.

352. **DENMARK and PRUSSIA**, in 1850. By Art. 5 of the "*Treaty of Peace* between the King of Prussia, in his own name and in the name of the Germanic Confederation, on the one part, and Denmark, on the other part, signed at Berlin, July 2nd, 1850, it was agreed to appoint JOINT COMMISSIONERS," to determine, according to the documents and to other proofs relative to the subject, the Boundary between those States of His Danish Majesty not comprised in the Germanic Confederation and those which belong thereto.

References: Hertslet, Map of Europe, etc., II. 1129, 1131; State Papers, XXXVIII. 99.

353. **COMBO (GAMBIA) and GREAT BRITAIN**, in 1850. On December 26th, 1850, a Convention was concluded between the Governor of the British Settlement in the Gambia, and the King and Chiefs of Combo and the Headmen of Bacon, in the Kingdom of Combo, which declared that "a JOINT COMMISSION, consisting of three members, Daniel Robertson, Col. Sec., Col. William Bage, and Staff-Surgeon Thomas Kehoe, on the part of Queen Victoria, and four [Major J. J. S. Finden and three Natives] on the part of the King and people of Combo, and that the said Commissioners on the 26th inst. proceeded to view, and did mark out and designate accurately the ground and territory then ceded to Great Britain. The Convention also stipulated that the Governor of the British Settlement in the Gambia should appoint one or more competent persons to make a map of the said ground and territory, and fix landmarks to define its limits, copies of the maps to be given to the said [King] Ansumarna Jarta." This Convention was confirmed on February 25th, 1851.

References: State Papers, XLVIII. 894; Hertslet, Complete Collection, etc., XII. 47; Hertslet, Map of Africa, etc., I. 878-879.

354. **OLDENBURG and PRUSSIA**, in 1853. BOUNDARY COMMISSIONERS were appointed by Art. IX. of the *Territorial Treaty* between Prussia and Oldenburg, signed at Berlin, July 20th, 1853. These were to proceed at once to the settlement of the boundaries on the spot, and were "authorised to agree to deviations in particulars, according to the respective requirements, adhering, however, to the superficial area fixed by the description of the Boundaries. The boundary lines thus settled were to be marked on land by fixed stones or stakes, and on the water by placing proper sea marks; these boundary marks were to be fixed and maintained at the joint expense of the Parties." This Treaty also contained provision for Arbitration in case of difference in the interpretation of Treaty.

References: Hertslet, Map of Europe, etc., II. 1161-1170.

355. **MEXICO and UNITED STATES, in 1853.** The work of the MIXED COMMISSION under the Treaty of Guadalupe Hidalgo did not extend to the whole frontier line. Another Commission was therefore appointed under Art. 1 of the *Treaty of Limits*, signed at Mexico, December 30th, 1853, and ratified by Mexico, May 31st, 1854, and the United States, June 29th, 1854. The Commission was composed of two members, one appointed by each of the Governments, and was to meet in the City of Paso del Norte three months after the exchange of ratifications, to survey, and demarcate on the spot, the stipulated boundary. The Commission completed its survey according to the Agreement.

References: *Tratados y Convenciones Vigentes*, Mexico, 1904, pp. 25-32; Moore, II. 1358.

356. **RUSSIA and TURKEY, in 1856.** By Art. 30 of the *Treaty of Paris*, March 30th, 1856, it was agreed that "in order to prevent all local dispute, the line of Frontier of the possessions of both Powers in Asia should be verified, and, if necessary, rectified.

(a)—For this purpose a MIXED COMMISSION, composed of two Russian and two Ottoman Commissioners, together with one English and one French Commissioner, should be sent to the spot immediately after the resumption of diplomatic relations; their labours to be completed within a period of eight months. The *Final Act* of this Mixed Commission, recording the completion of its labours, was signed at Constantinople on December 5th, 1857, and a Protocol, signed at Paris, April 28th, 1858, take cognizance, on behalf of the Powers, of the fulfilment of Art. 30 of the Treaty of Paris.

(b)—A Boundary Commission was appointed by the Mixed Commission in 1857, and on September 11th, 1858, this Commission assembled at the village of Hussein-Kent, for the purpose of carrying out its instructions. A Supplementary Act of this Boundary Commission appointed by the Mixed Commission, which was signed on September 11th, 1858, at Hadji Bairam, recorded the final proceedings on the spot, and the choice of nationality by the inhabitants of the districts affected.

References: N.R.G., XX. 13, 18; See also the Protocol of the Conference of Paris of April 28th, 1858; State Papers, XLVI. 8, 73, L. 995, 1000; T. E. Holland, pp. 258, 305; L. 995, 1000; Hertslet, Map of Europe, etc., IV. 1263, 1823, 1824, 1825, 1826, 1850-1852.

357. **FRANCE and SPAIN, in 1856.** The Treaty to determine the frontier signed at Bayonne, December 2nd, 1856, after describing the Boundary, appointed (by Arts. 10 and 11) a JOINT DELIMITATION COMMISSION which, together with Delegates from the French and Spanish Communes interested, should proceed to define and demarcate the whole line of frontier as agreed upon, and stipulated that their *Procès Verbaux*, duly attested, should be attached to the copies of the Treaty.

References: Brit. and For. State Papers, XLVII. 765-773.

358. **ALLIED POWERS and RUSSIA, in 1857.** By Arts. 20 and 21 of the Treaty of Paris, March 30th, 1856, the Emperor of Russia consented to the rectification of his frontier in Bessarabia, and it was agreed that Delegates of the Contracting Powers should fix in its details the line of the new frontier. Some controversy having arisen as to these two Articles, it was provided, by a *Protocol*, signed at Paris, January 6th, 1857, to have the force of a Convention, that the Boundary should be traced in detail by a DELIMITATION COMMISSION, by March 30th, at which date the Austrian troops were to have evacuated the Principalities, the British squadron to have left the Black Sea, and the Straits Convention to come into operation. The Delimitation Commission signed their Definitive Act at Kischeneff, March 30th, 1857, and a Treaty was signed at Paris, June 19th, 1857, by the representatives of the Powers there, superseding the Protocol, by embodying its provisions and adopting the Act of the Delimitation Commission. By Art. 45 of the Treaty of Berlin, the portion of the Bessarabian territory detached from Russia by the Treaty of Paris was restored to Russia, and, by Art. 46, the Delta of the Danube and the Isle of Serpents were added to Roumania. It was also

decided that the new frontier line should be determined on the spot by the European Commission appointed for the Delimitation of Bulgaria.

References : Parl. Papers, 1856, 1857, 1858; N.B.G., XV. 770, 793, XVI. 2P. p. 11, XX. 4; State Papers, XLVI. 8, XLVII. 60, 92, L. 1020; T. E. Holland, pp. 250, 260-262, 302; Hertslet, Map of Europe, etc., II. 1259, 1260, 1298-1300, 1313-1316, 1320-1322.

359. **MONTENEGRO and TURKEY, in 1858.** In November, 1858, with a view to putting an end to the perpetual hostilities between the Principality and the Turks, a Conference of the representatives of Great Britain, Austria, France, Prussia, Russia, and the Porte was held at Constantinople, and traced anew the boundaries of the Principality. The Conference took into consideration the labours of the Local Commission charged to report the *statu quo* of the Frontiers of Albania, Herzegovina, and Montenegro, such as they existed in the month of March, 1856. By a *Procès Verbal* of this Conference, signed at Constantinople November 8th, 1858, a BOUNDARY COMMISSION of Engineers was agreed upon to proceed to the Frontier, in the next spring, to settle the details on the spot. Major Francis Edward Cox, R.E., was the British member of the Montenegrin Boundary Commission from March to July, 1859. These Commissioners reported upon the result of their labours to another Conference at Constantinople, April 17th, 1860, when they were complimented on their work, and their labours declared to be terminated. By a Protocol of Turkish Conditions, accepted by the Prince of Montenegro, signed at Scutari, August 31st, 1862, it was decided that the line of demarcation traced by the Boundary Commission in 1859 should constitute for the future the boundary of Montenegro.

References : State Papers, L. 1001; T. E. Holland, p. 237; Hertslet, Map of Europe, etc., II. 1353, 1437, 1488, III. 1603.

360. **MOROCCO and SPAIN, in 1859.** (a)—A Convention between Spain and Morocco, concluded at Tetuan, on August 24th, 1859, stipulated the cession to Spain of additional territory near Melilla (Art. 1) and also (Art. 2) that the limits of this concession should be fixed by a JOINT COMMISSION, consisting of "Spanish and Maroquine engineers, who shall adopt as their basis of operations, for fixing the extension of the said limits the range of a piece of cannon of 24 of the old make."

(b)—This Convention was confirmed by the Treaty of April 26th, 1860, signed at Tetuan, and notified on May 26th, 1860, which also provided (Art. 3) for cession of territory by Morocco to Spain, the boundaries of which it defined, and for the appointment (Art. 4) of a Boundary Commission.

(c)—This Treaty, of April 26th, 1860, also stipulated (Art. 8) the cession to Spain of ground near Santa Cruz la Pequeña (called in the Arabic version of the Treaty "Agadir"), for a fishing establishment similar to that which Spain possessed there in ancient times, and also that Commissioners should be appointed on either side to mark out the grounds and limits of the intended establishment.

(d)—Differences having arisen respecting the fulfilment of the above Convention and Treaty, another Treaty was concluded between Spain and Morocco, on October 30th, 1861, and confirmed, by Art. 61 of the Commercial Treaty of November 20th, 1861, which stipulated that the demarcation of the limits of the fortress of Melilla should be made in conformity with the Convention of August 24th, 1859, confirmed by the Treaty of Peace of April 26th, 1860.

(e)—In October-November, 1893, hostilities ensued between the authorities of Melilla and the Moors in the neighbourhood, which were terminated by a Treaty signed in the city of Morocco on March 5th, 1894, which repeated the above stipulation (Art. 2), and provided once more for the appointment of BOUNDARY COMMISSIONERS.

(f)—A Supplementary Convention, signed in Madrid February 24th, 1895, and ratified at Tangier on April 4th, 1895, postponed the delimitation for another year.

References : Tratados de España, Don Florencio Janer, p. 192; Archives Diplomatiques, 1861, III. 382; State Papers, LI. 928, LIII. 1052, 1089; Spanish Red Book, Affairs of Morocco, p. 1894; Hertslet, Map of Africa, etc., II. 894-902, III. 1062, 1063.

361. **AUSTRIA, FRANCE and SARDINIA, in 1859.** By the *Treaties of Peace* between Austria and France (Art. 4), France and Sardinia (Art. 1), and Austria, France, and Sardinia (Art. 3), signed at *Zurich, November 10th, 1859*, the Line of Frontier between Lombardy and the Tyrol is described in identical terms, and it is agreed that "a MILITARY COMMISSION, appointed by the Governments interested, will be charged with the duty of tracing the line on the ground with the least possible delay. On the exchange of ratifications at Zurich, November 21st, 1859, a Protocol was signed amending the description of the the new Delimitation along the Po. The Commission, consisting of six members, two appointed by each State, met at Peschiera, and immediately began its operations. The *Final Act* of the Demarcation definitely fixed by this Commission, was signed at Peschiera, June 16th, 1860.

References: State Papers, XLIX. 364, 371, 377, L. 1019, LIII. 943; Hertslet, Map of Europe, etc., II. 1383, 1393, 1394, 1403, 1404, 1414, 1439-1443.

362. **BRAZIL and VENEZUELA, in 1859.** By Art. 3 of the *Treaty of Limits*, signed at *Caracas, May 5th, 1859*, it was agreed that "after the ratification of the present Treaty, the High Contracting Parties will each name a Commissioner to proceed by common accord, in the shortest possible time, to the demarcation of the line at the points where it may be necessary in conformity with the preceding stipulations."

References: Brit. and For. State Papers, L. 1164-1169.

363. **FRANCE and SARDINIA, in 1860.** Following the cession of Savoy and Nice to France, by the *Treaty* for their annexation (Art. 3), signed at *Turin March 24th, 1860*, a MIXED COMMISSION was appointed to "determine in a spirit of equity the frontiers of the two States, taking into account the configuration of the mountains and the requirements of defence." The Boundary Treaty, signed at *Turin March 7th, 1861*, of which the Ratifications were exchanged at *Turin, March 16th, 1861*, declares that staff officers of the armies had been appointed to trace the line of delimitation on the spot, and that they had performed their mission in conformity with the instructions which they had received.

References: State Papers, L. 412, LI. 685; Hertslet, Map of Europe, etc., II. 1430, 1466.

364. **FRANCE and MONACO, in 1861.** By a *Treaty* between France and Monaco, signed at *Paris, February 2nd, 1861*, Mentone and Roccabruna were ceded to France. In consequence it was stipulated (Art. 1) that "the line of demarcation between the territory of the French Empire and that of the Principality of Monaco will be traced as soon as possible by a MIXED COMMISSION." The Ratifications of this Treaty were exchanged at *Paris, February 11th, 1861*.

References: Hertslet, Map of Europe, etc., II. 1462, 1463.

365. **ITALY and SWITZERLAND, in 1861.** The Frontier between Lombardy and the Canton of Ticino was regulated by the Treaty of Varese, of August 2nd, 1752, between Her Majesty, the Empress Maria Theresa of Austria, and the Twelve Cantons of the Helvetic League. Some disputes having arisen as to the course of the frontier, Commissioners were appointed, three for Italy and two for Switzerland, to proceed to a definitive settlement of the dissensions. When the five Commissioners had assembled at Lugano, on *September 11th, 1861*, and had exchanged their Full Powers, they constituted themselves as a COMMISSION, for the purpose, appointing a President and Secretary. The Commission immediately began its operations, adopted definite rules as the basis of the work of Delimitation, agreed to confine its business to the definition of the frontier lines between State and State, adopted detailed plans, and went *seriatim* through the points at issue, following the Articles of the Treaty of Varese, visited the grounds in company with the Communal authorities, and embodied the results in a written instrument. The frontier having been thus definitely established, and the fixing of the new landmarks arranged, the Commission again repaired to the localities to examine and verify the work, and found that all had been properly done. The Commissioners of the two States having thus completed the work of Delimitation, which it was their business to do, subscribed a *Convention, September 11th, 1861*,

which was to have force and validity only when ratified by the Supreme Powers of the Contracting States. The Ratifications were exchanged at Turin April 11th, 1862.

References : Hertalet, Map of Europe, etc., II. 1481-1497.

366. **SERVIA and TURKEY, in 1862.** At a Conference of the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, relative to the affairs of Servia, it was agreed, as recorded in Art. 5 of the *Protocol* signed at *Kanlidja, September 4th, 1862*, that "the new circuit of the Esplanade (of Belgrade) shall be marked out by a **MIXED MILITARY COMMISSION**, composed of an officer named by each of the guaranteeing Powers, and of an Officer named by the Ottoman Government. This Commission will avail itself of all local information which may assist it in solving the question, and shall make its report to the Ottoman Porte, which will receive favourably observations from the Servian Government."

References : State Papers, LII. 114 ; Hertslet, Map of Europe, etc., II. 1519, 1520.

367. **FRANCE and SWITZERLAND, in 1862.** By the *Treaty* between France and Switzerland relative to an exchange of Territory in the Vallée des Dappes, signed at *Berne, December 8th, 1862*, the Ratifications of which were exchanged at Berne, February 20th, 1863, a **BOUNDARY COMMISSION** was appointed to determine on the spot the new Line of Frontier and to draw up a *Procès Verbal* of their operations. That *Procès Verbal* would be considered as forming part of the one drawn up by the French and Swiss COMMISSIONERS appointed for the demarcation of the Frontier between the Canton of Vaud and France, and signed *September 16th, 1825*.

References : State Papers, LIII. 151 ; Hertalet, Map of Europe, etc., II. 1527.

368. **AUSTRIA, DENMARK, and PRUSSIA, in 1864.** The *Treaty of Peace* between these Powers, signed at *Vienna, October 30th, 1864*, definitely fixed the Boundary between Denmark and Schleswig (Art. 5) and, (Art. 6), appointed a **MIXED BOUNDARY COMMISSION** to determine the new Delimitation.

References : State Papers, LIV. 522, 622 ; Hertalet, Map of Europe, etc., III. 1680.

369. **FRANCE and SPAIN, in 1866.** The *Boundary Treaty* between France and Spain, signed at *Bayonne, May 26th, 1866*, makes a detailed Demarcation of the Frontier from the department of the *Pyrénées-Orientales* to the *Val d'Andorre*, and provides for an **INTERNATIONAL COMMISSION** of engineers, composed of French and Spanish officers, to settle Boundary Marks. A Boundary Act, signed at Bayonne the same day, united "under one Act the Regulations applicable over the whole frontier in either country." This Commission met on the same day and adopted Regulations for the waters common to both. "The Final Act of the Delimitation of the International Frontier of the Pyrenees, between France and Spain," was signed by the Members of the Commission, at Bayonne, July 11th, 1868, and the Ratifications were exchanged at the same place, January 11th, 1869. The Final Act made provision for two other Commissions, of which, by Arts. 5 and 8, it defined the composition and functions.

(1) The International Administrative Commission of the Canal of *Puycerda*.

(2) The International Administrative Commission of the Canal of *Angoustrine* and *Llivia*.

References : State Papers, LVI. 212, 226, LIX. 430 ; Hertslet, Map of Europe, etc., III. 1647, 1649, 1844.

370. **BAVARIA and PRUSSIA, in 1866.** By the *Treaty of Peace* between these Powers, signed at *Berlin August 22nd, 1866*, Bavaria (Art. 14), "as a regulation of Frontier has been found requisite for the preservation of strategical interests and those of traffic," cedes certain Territories in Lower Franconia to Prussia, and it is agreed that, immediately after the exchange of the Ratifications of the Treaty, the High Contracting Powers will appoint COMMISSIONERS to

undertake the regulation of the Frontier. The Ratifications were exchanged at Berlin, September 3rd, 1866. By Art. 2 of a Protocol annexed to the Treaty, it is stipulated that this Commission "will undertake all matters connected with that regulation, such as the Archives, arrears of public Taxes, and other matters of that kind."

References: Hertslet, Map of Europe, etc., III. 1715, 1718.

371. **AUSTRIA and ITALY, in 1866.** By the *Treaty of Peace* between Austria and Italy, signed at Vienna, October 3rd, 1866, the Emperor of Austria agreed (Art. 3) to the Union of the Lombardo-Venetian Kingdom (which had been already ceded to France, and by France to Sardinia, by the Treaties of Zurich, November 10th, 1859) to the newly formed Kingdom of Italy. "The Frontier of the Ceded Territory is determined (Art. 4) by the actual administrative confines of the Lombardo-Venetian Kingdom, and a MILITARY COMMISSION, to be appointed by the two Contracting Parties, is entrusted with the execution of the tracing on the spot, within the shortest possible delay." This Commission, which consisted of six members, three appointed by each, met at Venice, proceeded at once to its task, and embodied its conclusions in a Final Act signed December 22nd, 1867, of which the Ratifications were exchanged at Florence, 1868.

References: State Papers, LVI. 700; Hertslet, Map of Europe, etc., III. 1751, 1833.

372. **BRAZIL and PERU, in 1866.** In fulfilment of the Boundary Treaty of October 23rd, 1851, between Peru and Brazil, a MIXED COMMISSION proceeded to make a survey, in 1866, and 1873, and 1874, of the principal points of the demarcation of the Boundary, and to fix the various marks in Tabatinga, the Bay of Apaporis, and in a straight line from these to Putumayo. Previously to that, in the Treaty of Peace (Art. 14) of July 8th, 1841, these countries had adopted the principle of *uti possidetis* for the delimitation of their frontiers.

References: Anales Diplomaticos y consulares de Colombia, 1901, II. 641, 658-660 (Bibliography).

373. **GERMANY and GREAT BRITAIN, in 1866.** The boundary between the German Protectorate of Togo and the British Gold Coast Colony was delimited by an Anglo-German BOUNDARY COMMISSION, by whom it was traversed in 1866. The Agreement between the two Governments, signed at Berlin, July 1st, 1890, which settled the frontier, stated that the boundary commences on the coast at the marks set up after the negotiations of July 14th and 28th, 1866, between the Commissioners of the two countries. The demarcation of the Hinterland of Togoland and of the Gold Coast became the subject of a later reference.

References: Hertslet, Map of Africa, etc., II. 646 (and Map), 647, 648; Parl. Papers, Treaty Series, No. 7 (1900), p. 4.

374. **GREAT BRITAIN and NETHERLANDS, in 1867.** The Boundary between the Dutch and English Possessions on the Gold Coast, West Africa, was defined by Art. 1 of a *Convention*, signed (in the English and Dutch languages) on March 5th, 1867, the Ratifications of which were exchanged at London July 5th, 1867. A JOINT BOUNDARY COMMISSION was appointed, the members being Mr. Frederick M. Skues, Assistant Staff Surgeon, for Great Britain, and Lieut. C. A. Jeckel, for the Netherlands. A Chart of the Boundary Line was prepared by them in February, 1868, and a Report upon the subject addressed to the Governors of the English and Dutch Settlements on the West Coast of Africa, by whom the Chart was duly attested.

References: Hertslet, Complete Collection, etc., XII. 1194; State Papers, LVII. 86; Hertslet, Map of Africa, etc., II. 674-676.

375. **GREAT BRITAIN and UNITED STATES, in 1870.** The disagreement of the Commissioners in 1857 as to the San Juan Water Boundary (see I. 72) did not prevent the running of the line, under the Treaty of 1846, from the Rocky Mountains to the Gulf of Georgia. This line was surveyed and

marked by Commissioners prior to 1870. On February 24th, in that year, Mr. Fish, Secretary of State, and Mr. Thornton, British Minister at Washington, signed a *Protocol* declaring that seven maps, certified and authenticated under the signatures of Archibald Campbell, the Commissioner of the United States, and Col. John Summerfield Hawkins, Her Britannic Majesty's Commissioner, and on which the Boundary in question was traced, were approved, agreed to, and adopted by both Governments.

References: Treaties and Conventions, U.S., 1776-1887, p. 440; Moore, I. 235 n.

376. **FRANCE and GERMANY, in 1871.** By the *Preliminary Treaty of Peace* between France and Germany, signed at Versailles, February 26th, 1871, the Ratifications of which were exchanged at Versailles, March 2nd, 1871, an INTERNATIONAL COMMISSION, composed of an equal number of representatives of the two High Contracting Parties was instituted (Art. 1), to trace on the spot the new Frontier agreed upon, and to preside over the Division of the Lands and Funds hitherto belonging to Districts or Communes divided by the new Frontier. And, by Art. 1 of the Definitive Treaty of Peace between France and Germany, signed at Frankfort, May 10th, 1871, it was agreed that this International Commission should proceed to the spot immediately after its ratification, to execute the works entrusted to them, and to trace the new Frontier. The Ratifications were exchanged at Frankfort, May 20th, 1871. By an additional Convention to this Treaty, signed at Berlin, October 12th, 1871, the Boundary Commission was charged with the delimitation of the new Frontier caused by retrocessions of territory by Germany to France. A *Procès Verbal* relating to the line of boundary between France and the German Empire was signed at Metz, April 26th, 1877.

References: State Papers, LXI., LXIII. 1014, LXVIII. 108; Archives de Droit Int., 1874, I., 46-70; Hertslet, Map of Europe, etc., III. 1912, 1954, 1964, IV. 3238-3247.

377. **GREAT BRITAIN and UNITED STATES, in 1872.** *The San Juan Boundary.*—Following the Award of the Emperor of Germany, by an Act of Congress of March 19th, 1872, "authorising the survey and marking of the boundary" in question, "the President was authorised to co-operate with the Government of Great Britain in the appointment of a JOINT COMMISSION to determine the boundary." This Commission consisted of Major D. R. Cameron, appointed by Great Britain, and Mr. Archibald Campbell, by the United States; and engineer officers were detailed for the duty of demarcation. The labours of the Commission were concluded in 1876. The final records and maps were signed in London on May 29th, 1876, and a Protocol was drawn up and signed, setting forth the Commission's final proceedings.

References: Report of Sec. of State, February 23rd, 1877, Sen. Ex. Doc., 41, 44 Cong. 2 Sess.; H. Report, 1310, 54 Cong. 1 Sess.; Alex. N. Winchell, Minnesota Hist. Soc. Colls., VIII. part 2, p. 212; Moore, I. 235, 236.

378. **TRANSVAAL and ZULULAND, in 1878.** A COMMISSION was appointed by Sir H. Bulwer, Governor of Natal, in February, 1878, to report on the Boundary Question between the Zulus and the Boers, consisting of Mr. Galloway, Attorney-General of Natal, Mr. J. W. Shepstone, Acting Secretary for Native Affairs, and Lieut.-Col. Durnford, R.E. They held their sittings at Rorke's Drift, which is near the S.W. end of the disputed territory. The Boers produced written documents, as evidence in support of their case. Written agreements as between civilized men and savages, few of whom can read or write, are always open to suspicion, but it was a questionable act summarily to reject them all, as the Commission did. Their Report was produced in July, and was greatly in favour of the Zulus. The High Commissioner, Sir Bartle Frere, had to make the final Award. The Report of the Commissioners in favour of the title of the Zulus he thought one-sided and unfair to the Boers, but felt bound to accept its terms and to give his Award accordingly.

References: John Martineau, The Transvaal Trouble, An extract from the Biography of the late Sir Bartle Frere, pp. 73-74, 78-80.

379. **BULGARIA and THE POWERS, in 1878.** The Berlin Congress stipulated, by Art. 2 of the *Treaty* concluded on *July 13th*, 1878, that the boundary of the new Principality of Bulgaria should be defined on the spot by an EUROPEAN COMMISSION, on which the Powers, parties to the Treaty, should be represented. This Commission, on which Great Britain was represented by Col. Robert Home, and afterwards by Gen. E. B. Hamley, met on October 21st, 1878, and completed its task on September 24th, 1879. The Assent of the Porte to its decisions was given in August, 1881.

References: Parl. Papers, 1878, Turkey, No. 44; 1879, Turkey, No. 2; 1880, Turkey, No. 2; N.R.G., 2me Série, III. 449, V. 507-701; T. E. Holland, pp. 279-282, 285; Hertalet, Map of Europe, etc., IV, 2766.

A. **BULGARIA and ROUMANIA.** The Roumanian Frontier, from Silistria to Mangalia, occupied the Commission from October 21st to December 17th, 1878, when the Act in regard to it was signed, and the Commission adjourned.

References: Parl. Papers, 1879, Turkey, No. 2; Holland, p. 279; Hertalet, Map of Europe, IV., 2822-2841.

B. **BULGARIA and EASTERN ROUMELIA.** This COMMISSION met again on April 18th, 1879, and sat until September 24th of that year. The Act of the Commission defining the Boundary between Bulgaria and Eastern Roumelia, in accordance with Art. 2 of the Treaty of Berlin, was signed at Therapia, August 14th, 1879.

References: State Papers, LXX., 1274; T. E. Holland, p. 279; Hertalet, Map of Europe, etc., IV., 2822, 2871-2880, 2916.

C. **BULGARIA and SERBIA, &c.** The Act of the EUROPEAN COMMISSION defining the remainder of the Bulgarian Boundary—(1) The Danubian Frontier of Bulgaria; (2) the Frontier between Bulgaria and Turkey (Macedonia); and (3) the Frontier between Bulgaria and Serbia, in accordance with Art. 2 of the Treaty of Berlin, was signed at Constantinople, September 20th, 1879.

References: State Papers, LXX. 1282; T. E. Holland, p. 279; Hertalet, Map of Europe, etc., IV. 2897-2911; Protocols of Sitzings, 2912-2919; Parl. Papers, 1880, Turkey, No. 2.

380. **BULGARIA and TURKEY, in 1878.** All the members of the European Commission appointed by Art. 2 of the Treaty of Berlin, July 13th, 1878, to delimitate the Bulgarian Frontier, the Russian excepted, decided on fixing the point at which the Frontier should terminate 800 yards from the outworks of Silistria, where alone in that neighbourhood a bridge could be thrown over the Danube. The Russian Commissioner objected. The Roumanians urgently replied. It was at length agreed that the best position for a bridge should be fixed by a TECHNICAL COMMISSION, on which Captain Sale was the British Commissioner, which accordingly met on the spot, and, after sitting from October 27th to November 9th, 1879, confirmed the previous decision.

References: Parl. Papers, 1880, Turkey No. 2, pp. 417-449; N.R.G., VI. 155-224; T. E. Holland, p. 280; Hertalet, Map of Europe, etc., IV. 2766, 2939, 2940.

381. **EASTERN ROUMELIA and TURKEY, in 1878.** At the first Meeting of the European Delimitation Commission for Bulgaria, appointed by the Treaty of Berlin, July 13th, 1878, certain of its Members separated themselves from it to form a DELIMITATION COMMISSION for the Southern Frontier of Eastern Roumelia. (Art. 4). This Commission sat from October 28th till December 9th, 1878, and again from April 21st till October 25th, 1879. Major R. W. T. Gordon was the British Commissioner. The Boundary Act of this Commission was signed in French, at Constantinople October 25th, 1879.

References: Parl. Papers, 1879, Turkey, No. 2, pp. 54-160, 1880, Turkey, No. 2; N.R.G., 2me Série, V. 254-350; T. E. Holland, pp. 279 n., 289 n.; Hertalet, Map of Europe, etc., IV. 2775, 2818-2821, 2920-2924, 2925-2936; State Papers, LXX. 1293; Cat. of Maps in Lib. of For. Office, London, "Turkey," 26 b.

382. **MONTENEGRO and TURKEY, in 1878.** (a)—The Frontier had been agreed upon in principle during the sittings of the Berlin Congress, and the new frontiers had been fixed by Art. 28, of the Berlin Treaty, July 13th, 1878, but details remained to be settled by the DELIMITATION COMMISSION for

Montenegro, on which Capt. Sale was the British Representative. This Commission was not provided for by the Treaty of Berlin, but was appointed at the instance of Russia in *August*, 1878. It met on April 30th, 1879, and sat until September 8th, but encountered considerable difficulties; it met again at Ragusa, on May 10th, 1880, and at Scutari, on January 28th, 1881, and finished its labours there on February 4th, 1881. It was not until December 21st, 1884, that a Convention was signed at Constantinople on behalf of Turkey and Montenegro for delimitation and final settlement.

(b)—That, however, did not conclude the work of the Commission. A *Convention*, signed between Turkey and Montenegro on *December 21st*, 1884, provides that the bend of the line agreed upon shall be technically determined by the COMMISSION OF DELIMITATION.

(c)—In *July*, 1887, at *Cettinje* an Agreement was entered into between Turkey and Montenegro for the settlement of the Boundary Dispute in the District of Vaganitza and on the spurs of Mokra Planina, which provided that the rights and property of individuals, whether Ottoman or Montenegrin subjects, on either side of the Frontier, should be respected, and that the COMMISSION should settle the limits within which such rights were to hold good.

(d)—The question of pasture rights of Montenegrin subjects was also settled shortly afterwards; but, during the years 1888 and 1889, constant raids and outrages took place on the Montenegrin Frontier, and the question of lands owned by Montenegrins at Mikochich was eventually settled by a MIXED COMMISSION, in December, 1889. The longstanding dispute respecting rights of pasturage between the Montenegrins at Secular and the Albanians of Rugova, has also been settled since the latter date.

References: Parl. Papers, 1880, Turkey, No. 2, 1881, Turkey, No. 1; N.R.G., 2me Série, V. 351-484, 701, 708; T. E. Holland, 282 n 1, 293-295; Hertalet, Map of Europe, etc., IV. 2781, 2890-2896, 2955, 3015-3028, 3029-3034, 3097, 3133-3137, 3189, 3140, 3193; State Papers, LXXI. 1223, 1234.

383. **SERVIA and TURKEY, in 1878.** The frontiers of Servia were fixed by Art. 36 of the *Berlin Treaty*, *July 13th*, 1878. Following from this Article the DELIMITATION COMMISSION for Servia, on which Great Britain was represented by Major C. W. Wilson and afterwards by Capt. S. Anderson, assisted by Lieut. J. F. G. Ross, of Bladensburg, was appointed, at the instance of Russia, in *August*, 1878. It sat from October 22nd till November 17th, 1878, when it adjourned for the winter, and again from May 9th to August 19th, 1879. Its tracing of the frontier between Servia and Bulgaria was adopted by the Bulgarian Delimitation Commission. On August 18th, 1879, Capt. Anderson reported to his Government that the whole of the new Turco-Servian Boundary, as marked by the Commission, had been accepted by the Sublime Porte and by all the Commissioners, and "that the whole Servian frontier as laid down by Art. 36 of the Treaty of Berlin had been marked on the ground." The Boundary Act was signed at Belgrade, August 19th, 1879.

References: Parl. Papers, 1879, Turkey, No. 2, p. 34; 1880, Turkey, No. 2, p. 252; N.R.G., 2me Série, VI. 267-354; T. E. Holland, 282 n 1, 299; Hertalet, Map of Europe, etc., IV., 2786, 2816, 2817, 2881-2889; State Papers, LXIX. 749, etc., LXX. 1819.

384. **RUSSIA and ROUMANIA, in 1878.** By Art. 45 of the *Treaty of Berlin*, *July 13th*, 1878, the Principality of Roumania restored to Russia that portion of the Bessarabian territory which had been detached from Russia by the Treaty of Paris of 1856. On *December 3rd*, 1878, the Russo-Roumanian Commission, consisting of Col. Touguenhold (Russian Delegate) and Col. Pencovici and Lieut.-Col. N. Demetresco-Maican (Roumanian Delegates), appointed by their respective Governments, under the Treaty of Berlin, met at Bucharest, constituted themselves a COMMISSION, and after, having visited the places and examined Art. 45 of the Treaty of Berlin, fixed the new frontier line between the two States, which they indicated on the Chart annexed to the *Procès Verbal* drawn and signed by them at Bucharest, December 17th, 1878.

References: State Papers, LXIX. 749, 862, 1122; Hertalet, Map of Europe, etc., IV. 2791, 2842, 2843; T. E. Holland, p. 302.

385. **ROUMANIA and TURKEY, in 1878.** Art. 46 of the *Treaty of Berlin, July 13th, 1878*, stipulated that the frontier lines of Roumania would be determined on the spot by the EUROPEAN COMMISSION appointed for the delimitation of Bulgaria. The Commission met on October 21st, 1878, and completed its task on September 24th, 1879. The Act as to the Roumanian frontier from Silistria to Magnalia was signed on December 17th, 1878.

References : Parl. Papers, 1878, Turkey, No. 44 ; 1879, Turkey, No. 2 ; 1880, Turkey, No. 2 ; N.R.G., V. 507-701 ; N.R.G., 2me Série, III. 449 ; State Papers, LXIX. 749, etc. ; Hertslet, Map of Europe, etc., IV. 2792 ; T. E. Holland, p. 302.

386. **RUSSIA and TURKEY, in 1878.** The Asiatic Boundary between these two Countries was settled by Arts. 58 to 60 of the *Treaty of Berlin, July 13th, 1878*.

(a)—"Point West of Karaourgan." This point from which the Frontier line was to start, was, in accordance with Art. 58 of the Treaty of Berlin, fixed by a MIXED COMMISSION, consisting of British, Russian, and Turkish Commissioners, on which Major-General Hamley was the chief British representative, at Stamboul, on May 17th, 1880.

References : T. E. Holland, p. 305 ; Hertslet, Map of Europe, etc., IV. 2795, 2957.

(b)—By an Agreement, signed at Berlin on July 12th, 1878, on behalf of Great Britain and Russia, a MILITARY COMMISSION was appointed, composed of a Russian, an Ottoman, and an English officer, for the more detailed tracing, from the point thus settled, of the line of the Alaschkerd. This Agreement was carried out by a Commission, on which Major-General Hamley was the principal British representative, and the new frontier was traced from the point near Karaourgan to the point where it falls into the older frontier near Mount Tendourek. The final act of this Commission was signed at Kara Kalissa on August 11th, 1880. On April 13th, 1881, the British and Russian Ambassadors attended at the Porte, and presented a Memorandum stating that this Commission had concluded its labours.

References : Parl. Papers, 1881, Turkey, No. 10 ; T. E. Holland, p. 305 ; Hertslet, Map of Europe, etc., IV. 2796, 2977-2982, 2983-2989 ; State Papers, LXXII. 1824.

387. **PERSIA and TURKEY, in 1878.** (a)—According to Art. 60. of the *Treaty of Berlin, July 13th, 1878*, a MIXED ANGLO-RUSSIAN COMMISSION was appointed for the delimitation of the Frontiers of Turkey and of Persia. This Commission, which consisted of Sir A. B. Kemball and General Zelenoy, in July, 1879, completed the tracing of a Boundary line which, however, was not then carried out.

(b)—On July 27th, 1880, a special ANGLO-RUSSIAN COMMISSION, consisting of General Sir E. Hamley and General Zelenoy, was appointed, and met at Sary Kanish, carefully examined that part of the work of the Anglo-Russian Commission which concerned the territory of Khotour alone, and signed a Protocol defining the Boundary. It was not, however, until May 22nd and 24th, 1883, that the Persian Government and the Porte respectively intimated their conditional acceptance of the proposed delimitation of the territory ; but difficulties afterwards ensued, and the Boundary Line was not marked out on the ground until 1891.

References : Encycl. Brit., Persia, XVIII. 616, 617 ; T. E. Holland, p. 306 ; Hertslet, Map of Europe, etc., IV. 2796, 2974-2976.

388. **GREECE and TURKEY, in 1881.** By Art. 1. of a Convention between the Great Powers and the Sultan, for the settlement of the Frontier between Greece and Turkey, signed at Constantinople, May 24th, 1881, of which the Ratifications were exchanged on June 14th, 1881, a DELIMITATION COMMISSION was appointed as follows : "This delimitation will be fixed on the spot by a Commission composed of the Delegates of the six Powers and of the two Parties interested." This Commission, on which Major Ardagh was the

British representative, held its sittings partly in Greece and partly at Constantinople, from July 6th to November 23th, 1881, when its final Protocol was signed, the Turkish Commissioner signing under reserve as to four points in the new frontier, which Turkey objected to surrender to Greece, viz., Karalik-Dervend, Nezeros or Analypsis, Kritzovali, and Gounitza. The questions thus left outstanding were eventually disposed of by a Protocol signed, on behalf of Turkey and Greece, on November 9th, 1882, by the Commissioners of both Parties, accepting the frontier as it had been laid down by the International Commission. The Final Act of this Commission was signed at Constantinople November 27th, 1881.

References : Parl. Papers, 1882, Greece, No. 1 ; N.R.G., 2me Série, VIII. 44 ; T. E. Holland, pp. 27, 63 ; Hertalet, Map of Europe, etc., 3044, 3069-3078, 3093, 3094 ; Cat. of Maps, Archives For. Office, London, Turkey, 44 B.

389. **ARGENTINE REPUBLIC and CHILI, in 1881.** A long-standing dispute between these Countries respecting their common boundaries has had varying fortunes. As long ago as 1856, by Art. 39 of the Treaty of April 30th in that year, it was decided to refer it to the Arbitration of a friendly nation. Again, on two occasions, in 1878 (January 18th and December 6th), it was agreed to refer it to Arbitration, in accordance with the provisions of the Treaty of 1856. These efforts were not accepted by the legislatures, and for a time the relations between the two Countries were considerably strained. Through the good offices, however, of the United States Ministers in those countries, Messrs. Thomas O. Osborn and Thomas A. Osborn, a *Treaty* was signed *July 23rd, 1881*, by which the boundaries were settled ; the Straits of Magellan were made for ever neutral, their navigation was declared free to all nations ; fortifications or military establishments on their banks were forbidden ; and a MIXED COMMISSION, composed of an expert appointed by each side, and a third, in case of disagreement, was appointed. This Treaty proved not to be final. The Commission completed its task, but the Argentine Government insisted that the Commissioners appointed to fix the boundary under the Treaty had made an evident mistake in placing the landmark of San Francisco, and the two Governments still differed as to the principle of the demarcation. The difficulties, therefore, continued until they were submitted to Arbitration in 1896 (San Francisco) and 1898 (Puna de Atacama).

References : Moore, V. 4854 ; Gaspar Toro, pp. 171-176 ; Tratados de Chile, I. 227, II. 120 ; Tratados de la Republica Argentina, I. 402, III. 282 ; Cuestion de Limites con Chile, Buenos Aires, 1878, p. 66 ; Memoria de Relaciones Exteriores Chile, 1879, p. 239 ; U.S. For. Rel. 1873, I. 39, 1896, 82 ; State Papers, LXXII. 1103 ; P.I., pp. 539-543.

390. **GREAT BRITAIN and the TRANSVAAL, in 1881.** The Boundaries of the Transvaal were defined by the 1st Article of the Convention for the settlement of the Transvaal territory, signed on *August 3rd, 1881*, at *Pretoria*. By Art. 19 of this Convention it was agreed that the Royal Commission should forthwith appoint a person to beacon off the boundary line in question, and to make arrangements between the owners of farms, on the one hand, and the authorities of the Barolong tribe on the other, in regard to the water supply. An Agreement upon this subject was signed between Lieut.-Col. Moysey, R.E., the Royal Commissioner, appointed to beacon off the Boundary of the Transvaal, and the Boundary Chief Montsioa, on September 1st, 1881.

References : Hertalet, Complete Collection, etc., XV., 401-404 ; Hertalet, Map of Africa, etc., II. 846 ; J. Bryce, Impressions of South Africa, p. 481 ; Reitz, A Century of Wrong, p. 136.

391. **GREAT BRITAIN and the TRANSVAAL, in 1881.** For the settlement of the native tribes of the Transvaal State, Arts. 21-23 of the Convention, signed at *Pretoria, August 3rd, 1881*, provide that immediately after the taking effect of the Convention, a NATIVE LOCATION COMMISSION will be constituted, consisting of the President, or in his absence the Vice-President, of the State, or some one deputed by him, the Resident, or some one deputed by him, and a third

person to be agreed upon by both, and such Commission will be a standing body for reserving and defining the boundaries of the locations allotted to the native tribes of the State. "The Native Location Commission will reserve to the native tribes of the State such locations as they may fairly and equitably be entitled to, due regard being had to the actual occupation of such tribes."

References: Hertalet, Complete Collection, etc., XV. 401-418; J. Bryce, Impressions of South Africa, pp. 486, 486; Reitz, A Century of Wrong, p. 187; J. P. Fitzpatrick, The Transvaal from Within, App., pp. 874, 876.

392. FRANCE and GREAT BRITAIN, in 1882. The frontier to the North of Sierra Leone was settled by Art. 1 of a *Convention* for that purpose, signed at Paris, June, 28th, 1882, and

(a)—it was stipulated that the exact position of the line should be settled on the spot by a JOINT COMMISSION, consisting of four members, two appointed on each side, with power of reference to the two Governments, as provided by Art. 7. This Convention was not ratified, but it was accepted by both Powers as a binding arrangement, and its stipulations were thenceforth observed on both sides.

(b)—In 1888 it was evident that this arrangement was insufficient, and negotiations were commenced, which ended in a fresh Agreement, signed at Paris, August 10th, 1889, which again defined (Art. 2) the frontier North of Sierra Leone, and appointed a JOINT TECHNICAL COMMISSION, composed of English and French delegates named for the purpose (Art. 5 and Annexe 1 and 2), a similar provision contained in the 1882 Convention not having been acted upon. After the Agreement of June 26th, 1891, of the Special Commission of Plenipotentiaries appointed August 5th, 1890, which laid down instructions for its guidance, the Boundary Commission in the Sierra Leone district set to work, and the line was surveyed by the British Section, 1891-1892; but the Boundary was not then defined; for, "the Special Commissioners nominated in accordance with Art. 5 of the Agreement of August 10th, 1889, having failed to trace a line of demarcation between the territories of the two Powers, to the North and East of Sierra Leone," an Agreement of the Special Commissioners mentioned above, signed at Paris, January 21st, 1895, was accepted by the two Governments, as completing and interpreting Article 2 and Annexes 1 and 2 of the Agreement of August 10th, 1889, and the Agreement of June 26th, 1891.

References: State Papers LXXVII. 1007; Hertalet, Complete Collection, etc., XVIII. 419; Journal Officiel of March 28th, 1888; Parl. Papers, Africa, No. 7 (1892); [C 7600], Treaty Series, No. 5 (1895); Hertalet, Map of Africa, etc., II. 554, 559-569, 572-578, 582-587, III. 1048-1058.

393. MEXICO and UNITED STATES, in 1882. By the *Convention* of July 29th, 1882, these Countries agreed to create an INTERNATIONAL BOUNDARY COMMISSION, consisting of a Chief Engineer and Associates appointed by each party, to re-locate the boundary in places where the marks of prior surveys had been destroyed or displaced. This Convention having lapsed by reason of delays in the appointment of Commissioners, it was revived by a Convention of February 16th, 1889, by which the time for the execution of the work was fixed at five years from the date of the exchange of the Ratifications of the new Convention. By another Convention of August 24th, 1889, this period was extended for two years from October 11th, 1894.

References: Moore, II. 1858; Tratados y Convenciones Vigentes, Mexico, 1904, 53-58.

394. GUATEMALA and MEXICO, in 1882. A question of boundary between the territories of Chiapas and Seconnoco was, by a Preliminary Treaty of Arbitration, signed at New York, August 12th, 1882, referred to a JOINT COMMISSION, with power to invite the President of the United States to act as Umpire or Arbitrator, in case of disagreement. The Definitive Treaty, however, concluded at Mexico, September 27th, 1882, made no mention of this provision, Mexico objecting thereto. The matter was therefore left with the Commissioners, whose term of labour was extended by a Protocol of June 8th, 1885, and prorogued by a Convention, signed at Mexico, October 16th,

1886 (ratified June 4th, 1887), for two years, ending October 31st, 1888. A Treaty, signed at Mexico, April 1st, 1895, stipulated (Art. 5) that if the Commissioners for the demarcation could not agree, the difference should be submitted to an expert as Arbitrator. "The labours of this Boundary Commission between Mexico and Guatemala," we learn from a communication received from the Mexican Legation in London, dated August 2nd, 1900, "were finished some years ago, and the line fixed to the satisfaction of both parties." The Agreement of the Commission was signed April 8th, 1899.

References: State Papers, LXXIII. 273, LXVII. 479; Gaspar Toro, *Notas*, etc., pp. 148, 144; Romero Giron, *Complemento, Apéndice*, III. 1896, p. 466; *Cuestiones entre Guatemala i Méjico*, Guatemala, 1896, p. 18; *Tratados de Guatemala*, p. 322, and *Tratados y Convenciones Vigentes*, Mexico, 1904, 58-68, 429.

395. **FRANCE and GREAT BRITAIN, in 1883.** A JOINT BOUNDARY COMMISSION was at work on the Gold Coast in 1883-4. The Annexé to an Arrangement, signed at Paris, August 10th, 1889, says:—"The 'map showing the towns and villages visited by the Assinee Boundary Commissioners in December, 1883, and January, 1884,' has served for the description of this part of the frontier, etc.; and both this and a later Agreement refer to 'the house occupied in 1884 by the British Commissioners' at Newtown. The date of the appointment of this Commission is not known by us; it was probably decided upon by the Commissioners appointed on both sides in 1881, who met at Paris to arrange the questions at issue between the two Governments in West Africa. Special Commissioners of Delimitation were also nominated to trace the line of demarcation on the spot by Art. 5 of the Agreement of August 10th, 1890. They were set to work in the Gold Coast District, but failed in their task. The line was fixed satisfactory to both Governments by the Agreement of the Joint Commission of Plenipotentiaries, as related earlier, July 12th, 1883.

References: Hertalet, *Complete Collection*, etc., XVIII. 419; *Parl. Papers, Africa*, No. 7, 1892, *Treaty Series*, No. 18 (1893); Hertalet, *Map of Africa*, etc., II. 539, 563, 567, 587, 589-591.

396. **CONGO and FRANCE, in 1885.** The Frontiers between the possessions of France and those of the Congo were settled by Art. 3 of a *Convention* between the Government of the French Republic and the International Association of the Congo, signed at *Paris, February 5th*, 1885. By Art. 4 of this Convention, a JOINT COMMISSION, composed of Representatives of the two parties, an equal number on each side, was entrusted with the duty of marking out on the spot a Frontier line, in conformity with these stipulations. It was also agreed that, in case of a difference of opinion, the question should be settled by Delegates to be named by the International Commission of the Congo. This Convention was ratified on March 12th, 1885. A Protocol, signed at Brussels, April 29th, 1887, states that after examining the work of the above Commission, the two Governments have agreed on the provisions recorded therein, which definitely settle the execution of the task entrusted to it.

References: Hertalet, *Map of Africa*, etc., I. 210, 211, 217.

397. **CONGO and PORTUGAL, in 1885.** By a *Convention* between Portugal and the International Association of the Congo, respecting Boundaries, signed at *Berlin, February 14th*, 1885, and ratified August 14th, 1885, the Frontiers between Portuguese possessions and those of the Association are defined (Art. 3), a BOUNDARY COMMISSION is agreed upon (Art. 4), and it is stipulated that in case of a difference of opinion the question is to be settled by delegates. Another Convention, signed at Brussels, May 25th, 1891 (Ratifications exchanged at Lisbon, August 1st, 1891), for the settlement in a friendly and direct manner of certain differences and difficulties which have arisen on the occasion of the work of delimitation under the above Convention, readjusts (Arts. 1-3) the Boundaries dealt with under it, and provides (Art. 6) for the reference to Arbitration of any disputes arising out of the present Convention, and also (Art. 5) for the maintenance of the *Status Quo* pending the marking out of the New Boundary Line on the spot.

References: Hertalet, *Map of Africa*, etc., I. 232, 238, 236-238.

398. **ARGENTINE REPUBLIC and BRAZIL, in 1885.** The question of the survey of certain rivers connected with the Misiones boundary was, by an Agreement signed at *Buenos Ayres, September 28th, 1885*, and ratified at Rio Janeiro, March 4th, 1886, referred to a JOINT COMMISSION, each of the Parties naming a Commission composed of a first, second and third Commissioner and three assistants, and the territories were neutralised till the accomplishment of its task. The Joint Commission entered upon its labours in 1887, and concluded them in 1890. The Commission ascertained that one of the rivers in question, the San Antonio-Guazú, which was supposed to be the Chopim, was in reality the Jangadu. The Argentine Commission proposed to survey this river, but the Brazilian refused, because the Treaty and the instructions of 1885 designated the Chopim. The Brazilian Government, however, agreed that the survey should be made. The Treaty of Arbitration was concluded, September 7th, 1889. Some days after its ratification the Republic was proclaimed in Brazil, and the Provisional Government agreed to the division of the contested territory, which was done by the Treaty of January 25th, 1890, at Monte Video. This Treaty, however, met in Brazil with the utmost opposition, and the Special Commission appointed by the Brazilian Congress recommended that it be rejected and that recourse be had to Arbitration, which was done. The question was submitted to the ARBITRATION of the President of the United States, whose Award was determined by the Map and Report of the survey made in 1887.

References: State Papers, Vol. LXXVII. 476; Moore, II. 2020; Relatorio de Ministerio de R.E. 1895 Anexo I. 5; For Rel. U.S.A., 1895, p. 1; P.I. pp. 841, 842.

399. **FRANCE, GERMANY and GREAT BRITAIN, in 1885.** Following negotiations between these three Powers, with a view to the appointment of a JOINT COMMISSION for the purpose of inquiring into the claims of the Sultan of Zanzibar to sovereignty over certain territories on the East Coast of Africa, and of ascertaining their precise limits, an understanding was eventually arrived at, and on *October 17th, 1885*, Col. (now Lord) H. H. Kitchener, R.E., was appointed the British Delimitation Commissioner. On June 9th, 1886, the Delimitation Commissioners made their unanimous *Report*, which was accepted by the British and German Governments, by an exchange of Notes, on October 29th and November 1st, 1886, and by the Sultan of Zanzibar on December 4th, 1886.

References: Parl. Paper, Zanzibar, No. 8 (1887); State Papers, LXXVII. 1128, 1130; Hertslet, Map of Africa, etc., I. 312; II. 605, 615, 622.

400. **FRANCE and GERMANY, in 1885.** (Slave Coast.) It was agreed by Art. 2 of a Protocol relating to the German and French possessions on the West African Coast, signed at *Berlin, December 24th, 1885*, that the Boundary between the German and the French territories should be determined on the spot by a MIXED COMMISSION. A *Procès Verbal* fixing the delimitation of these possessions, signed at Paris, February 1st, 1887, declares that the Delimitation Commissioners, duly authorised for this purpose, after having met upon the spot, had fixed with one accord the separating line. The Report was done in duplicate at Little Popo, February 1st, 1887.

References: State Papers, LXXVI. 308; Deutschen Kolonialblatts (Extra Nummer), March 16th, 1894; Hertslet, Map of Africa, etc., I. 298, 295, 297; III. 999.

401. **BULGARIA and EASTERN ROUMELIA, in 1886.** The delimitation of the Canton of Kirdjali and of the Rhodope District was entrusted to a JOINT COMMISSION, composed of three Turkish and two Bulgarian Delegates, appointed under Art. 2 of the *Arrangement of April 5th, 1886*. The Commission sat from May 8th till June 13th, 1886. A detailed specification of the new Frontier was signed by four of the Commissioners (the third Turkish member abstaining), at Tchanakdji, on that date.

References: Hertslet, Map of Europe, etc., IV. 3155, 3167-3171.

402. **BOLIVIA and PERU, in 1886.** By a preliminary Treaty of Limits, signed at *La Paz, April 20th, 1886*, National Commissions were appointed to delimit the frontier. On the conclusion of their labours, if any differences were found to exist, they were to be submitted (Arts. 7 and 8) to an Arbitral Tribunal

with absolute powers, as stipulated in the Treaty (Arts. 9 and 12.) According to the terms of a supplementary Protocol, signed at La Paz, April 24th, 1886, each Commission was to consist of two duly accredited national representatives. After examination on the spot the four representatives were to form themselves into an INTERNATIONAL COMMISSION, to deliberate and fix by a majority of votes the boundary, and in the case of any disagreement the Spanish Government (Art. 5) should be appointed Chief Arbitrator.

References: *Tratados del Peru*, II. 464; Gaspar Toro, *Notas*, etc., pp. 162, 163.

403. **FRANCE and PORTUGAL, in 1886.** The frontiers of the French and Portuguese Possessions in West Africa were defined in a Treaty signed at *Paris, May 12th, 1886*, those on Guinea by Art. 1, and those in the region of the Congo by Art. 3. By Art. 7 a JOINT COMMISSION was instituted to determine on the spot the definitive position of the lines of demarcation thus laid down. This Commission was to be composed of four Commissioners, the King of Portugal and the President of the French Republic were each to name two, and the Commissioners were to meet at the place ultimately decided on by common agreement, as soon as possible after the ratifications of the Treaty. In case of disagreement they were to refer to the High Contracting Parties.

References: *Parl. Papers, Africa* No. 2, 1890 [C. 5904]; Hertalet, *Map of Africa*, etc., I. 298-300; *State Papers, LXXVII*, 517.

404. **BOLIVIA and PARAGUAY, in 1887.** The first attempt to settle their frontiers was made in the Quijaro-Decoud Treaty of October 15th, 1879, which, however, made no provision for Arbitration, or even delimitation. On *February 16th, 1887*, the Tamayo-Aceval Treaty was concluded in the city of Asuncion, and it stipulated for a definitive reference to an Arbitral decision. This Treaty, however, was not ratified, and this led to serious complications. Last of all, after a series of Official Conferences, held in the city of Asuncion, the Benitez-Ichazo Treaty was signed in that city, on November 24th, 1894. By this Treaty (Art. 4) the frontier line was fixed, and provision was made for a MIXED COMMISSION to trace the delimitation on the spot, with power to submit to Arbitration any difference that might arise during the process. Nothing, however, came of these provisions, and after twenty-four years of abortive attempts to settle the frontier question, it reverted to its original position.

References: F. R. Moreno, *Diplomacia Paraguayo-Boliviana, Asuncion, 1904*; *Memoria de R. E. de Bolivia, 1895*, pp. 356-380; *Exposicion de los derechos del Paraguay*, etc., Asuncion, 1895, p. 227; Gaspar Toro, *Notas*, etc., pp. 166, 167; *Annual Register, 1889*, p. 448; Dreyfus, 181.

405. **GREAT BRITAIN and RUSSIA, in 1887.** Following the labours of the Afghan Boundary Commission in 1885 and 1886, and by Art. 6 of the Protocol signed at *St. Petersburg, July 22nd, 1887*, in which the results were embodied, and which was accepted by the two Governments on August 3rd, 1887, a MIXED BOUNDARY COMMISSION was appointed to demarcate the frontier agreed upon, on the spot, in conformity with the signed maps and other data.

References: *N.R.G.*, 2nd Série, XIII. 566; *P.I.* p. 291.

406. **BRITISH BURMA and SIAM, in 1888.** In January, 1888, four Siamese Commissioners met the British Superintendent of the Shan States to discuss frontier questions. The facts being established, the Bangkok Government were given information in regard to them, and they withdrew their troops from two States which they had annexed. Later, however, the Siamese reasserted their alleged rights and seized the country. This led to the appointment of a JOINT DELIMITATION COMMISSION to settle the matters in dispute. The Bangkok Commissioners, however, did not present themselves at all, and the British Representatives surveyed and inquired into the Boundary rights alone, and found the Siamese pretensions quite unjustifiable.

References: *Annual Register, 1890*, p. 385; *Hazell's Annual, 1891*, p. 613.

407. **RUSSIA and SWEDEN, in 1888.** A RUSSO-SWEDISH COMMISSION for marking afresh the Boundary between Sweden and Finland was occupied

from July 1st to September 1st, 1888, in this work. This boundary was marked in 1820, in execution of the Treaty of November 20th, 1810; but in consequence of the Rivers Tornea and Muonio having altered their course in some places, and of some of the boundary marks having been destroyed or obliterated, the boundary was retraced in 1888, as stated above, but no important modifications were made by the Boundary Commissioners.

References: Hertslet, Map of Europe, etc., IV. 8281; *London Times*, May 16th, 1888, p. 11.

408. **(ABYSSINIA) ETHIOPIA and ITALY, in 1889.** A Treaty between Ethiopia and Italy, signed *May 2nd*, 1889, and ratified September 29th, 1889, stipulated that "in order to remove any doubt as to the limits of the territory over which the two Contracting Parties exercise sovereign rights, a SPECIAL COMMISSION, composed of two Italian and two Ethiopian Delegates shall trace with permanent landmarks," etc., the leading features of which are then stated. Art. 3 of an Additional Convention to this Treaty, signed at Naples October 1st, 1889, ratified by King Menelek, at Makallé, February 25th, 1890, provides that a ratification of the territories shall be made by means of the Delegates to be nominated by the King of Italy and the Emperor of Ethiopia, according to the terms of Art. 3 of the Treaty of May 2nd, 1889. A detailed Boundary Agreement was signed on February 6th, 1891.

References: Ital. Green Book, 1890, p. 434, 1890, 2nd Series, p. 19, *Missione Antonelli in Ethiopia*, April 14th, 1891, p. 101; Hertslet, Map of Africa, etc., by Treaty, I. 12, 13, 16.

409. **ARGENTINE and BOLIVIA, in 1889.** The question of the frontiers between these two countries had been a subject of diplomatic discussion from the earliest times. A definite attempt was made to refer it to Arbitration by the Treaty of December 7th, 1858, but this was not accepted by the Argentine Congress. By Art. 20 of a Treaty signed at Buenos Ayres, July 9th, 1868, it was decided to refer to the Arbitration of a friendly nation, but this Art. was cancelled by a Protocol, signed at Buenos Ayres, February 27th, 1869. It was not until *May 10th*, 1889, by a Treaty signed at Buenos Ayres and ratified four years later, that the frontier was settled and referred to a Mixed Commission for delimitation.

References: Memoria de R.E. de Bolivia, 1898, p. xiii., and 1894; *Tratados de la Republica Argentina*, II. 257; Gaspar Toro, *Notas*, etc., pp. 163, 166.

410. **GERMANY and GREAT BRITAIN, in 1890.** The delimitation on the spot of the frontier between Lakes Nyassa and Tanganyika, in East Africa, was, in pursuance of Arts. 1 and 6 of the Agreement signed at Berlin, July 1st, 1890, referred to a MIXED COMMISSION. This Commission, consisting of Captain C. F. Close and Herr Hermann, did its work, and reported to the respective Governments, who, in a further Agreement, signed Berlin, February 23rd, 1901, embodied the Commission's proposals, which were accepted as the settlement of the question. The Protocol containing the decisions of the Commissioners was signed at Ikawa, November 11th, 1898.

References: Hertslet, Map of Africa, etc., II. 642, 648; Hazell's Annual, 1902, p. 294; Parl. Paper [Cd. 1009], Treaty Series No. 8, 1902; Brit. and For. State Papers, LXXXII. 85, XCII. 797-800.

411. **GERMANY and GREAT BRITAIN, in 1890.** The tracing of the boundary from the mouth of the River Umba to Lake Jipé between the spheres of interest belonging to both Countries in East Africa, was, under Arts. 1 and 6 of the Agreement signed at Berlin, July 1st, 1890, entrusted to a JOINT COMMISSION which was composed of Mr. Charles S. Smith (British Consul at Zanzibar) and Dr. Carl Peters. Protocols of their work on the spot were signed at Taveta, on October 27th, and at Zanzibar, on December 24th, 1892. An agreement between the two Governments, signed at Berlin, July 25th, 1893, settled the boundary on the basis of their labours, and in accordance with the Agreement of reference.

References: Hertslet, Map of Africa, etc., II. 642, 648, 652-656; *Statesman's Year Book*, 1902, pp. 672, 673.

412. **CONGO and PORTUGAL, in 1891.** The Delimitation of the respective spheres of Sovereignty and Influence in the Lunda region was, by a Treaty concluded at *Lisbon, May 25th, 1891*, the ratifications of which were exchanged at *Lisbon, August 1st, 1891*, entrusted to a **BOUNDARY COMMISSION** (Art. 2). Provision was also made (Art. 4) for the reference to Arbitration of disputes arising out of the Treaty. The Commission appointed consisted of George Grenfell, Missionary of the English Baptist Mission, and Jayme Lobo de Brito Godino, Governor-General *ad interim* of the province of Angola. The latter delegated his powers to Simao-Candido Sarmiento, Lieut.-Graduate of the Portuguese army, in so far as they related to the works on the spot. The Report of the Commissioners was, together with a *Procès Verbal*, signed at *Loanda, June 26th, 1893*, submitted to the two Governments, and embodied by them in a Declaration, signed at *Brussels, March 24th, 1894*, conveying their approval of the tracing of the frontier carried out by their Commissioners in the region of *Lunda*, in execution of the Convention concluded at *Lisbon, May 25th, 1891*.

References: Hertelet; Map of Africa, etc., I. 234, 285, III. 1004-1007.

413. **GREAT BRITAIN and PORTUGAL, in 1891.** The Boundary between the British and Portuguese spheres of influence in the region of the *Zambesi*, in East Africa, was settled by Arts. 1 to 5 of the Anglo-Portuguese Convention, signed at *Lisbon, June 11th, 1891*. By Art. 4 it was stipulated that this boundary should be decided by a **JOINT ANGLO-PORTUGUESE COMMISSION**, which should have power, in case of difference of opinion, to appoint an Umpire. On January 20th, 1896, an Agreement was made, by an exchange of Notes, that pending the delimitation of the boundary of the British and Portuguese sphere of influence north of the *Zambesi*, the *modus vivendi* of May 31st (June 5th), 1893, should be prolonged for the period of two years from the date of its termination, viz., until July 1st, 1898. It is understood that the *modus vivendi* shall cease to operate as soon as the Delegates for defining the boundary under the provisions of Art. 4 of the Treaty of June 11th, 1891, shall have completed their task.

References: Hertelet, Complete Collection, etc., XIX. 777; Parl. Papers [C. 6370], Africa No. 5, 1891, [C. 6495], No. 7, 1891, [C. 6876], Portugal No. 1, 1891, [C. 7971], Treaty Series, No. 8, 1896; Hazell's Annual, 1892, pp. 15, 16; P.I., pp. 370, 371.

414. **GREAT BRITAIN and UNITED STATES, in 1892.** *Alaska and Passamaquoddy Boundaries.* By a Convention, signed *July 22nd, 1892*, a **JOINT COMMISSION** was appointed "for the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded." The third paragraph of Art. 1 of this Convention provided that this Commission should complete the survey and submit final Reports within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28th, 1892, hence the time allowed by the Convention expired November 28th, 1894. But believing it impossible to complete the required work within the specified period, the two Governments formed a Convention, signed at *Washington, February 3rd, 1894* (ratified March 28th, 1894), extending the time to December 31st, 1895. The *Alaska Boundary*, however, formed one of the questions submitted to the Joint High Commission under the Agreement of May 30th, 1898, and was settled by the Mixed Commission of 1903.

References: Parl. Papers [C. 6821], Treaty Series No. 16, 1892; [C. 7311], Treaty Series No. 10, 1894; [Cd. 1877 and 1878], United States No. 1 and No. 2, 1904.

415. **BANGWAKETSE and BAROLONG, in 1892.** A Commission had been already held to determine the boundary between these tribes, presided over by Mr. J. S. Moffat, Assistant Commissioner of Bechuanaland, the Award of which was very far from being acceptable to the *Bangwaketse*. On November 7th, 1892, a **JOINT DELIMITATION COMMISSION** was appointed for putting up the beacons on the new boundary line, to which both tribes sent their representatives. Difficulties arose, and instructions were telegraphed for

to the British Administration, who sent Mr. J. S. Moffat and Mr. W. H. Surmon. These Government officers made a considerable alteration in the boundary, to allay dissatisfaction, and ultimately succeeded in reaching a final settlement.

Reference: Edwin Lloyd, *Three Great African Chiefs*, p. 171.

416. **PERSIA and RUSSIA, in 1893.** By a Convention signed at *Teheran*, June 8th, 1893, and ratified July 30th, 1893, an exchange of territory was made on the frontier of Khorassan and Hissar, and a JOINT COMMISSION was appointed to carry out the accurate delimitation on the spot and to fix the frontier marks.

References: State Papers, LXXIII. 97; LXXXVI. 1246-1249.

417. **AFGHANISTAN and GREAT BRITAIN, in 1893.** The Demarcation of the Boundary in the Kurram District, on the South-east of Afghanistan, was, by the Durand Agreement of November 12th, 1893, entrusted to a JOINT COMMISSION, of which Mr. John Stuart Donald, C.I.E., was the British member. The work of the Commission was completed, and its final *Report* was signed, November 21st, 1894. This was afterwards ratified by both the Viceroy and the Ameer.

References: Parl. Papers [C. 8087], 1896, also Information furnished by British India Office, June 15th, 1904.

418. **BAKHATLA, BAKWENA, and BAMANGWATO, in 1894.** In the middle of October, 1894, Sir Sidney Shippard went up country to settle this Boundary dispute. It was a three-cornered disagreement between Sebelé (Chief of the Bakwena), Linchwe (Chief of the Bakhatla), and Khâmé (Chief of the Bamangwato). The Administrator was assisted in the settlement by Mr. W. H. Surmon and Mr. J. S. Moffat. After a protracted hearing of many witnesses, as well as the Chiefs, Sir Sidney Shippard gave his *Decision*, by which the new and final boundary between the Bamangwato on the one hand, and the Bakwena and Bakhatla on the other was declared as follows:—"We, the undersigned President and members of the Bechuanaland Boundary Commission, having considered the evidence adduced on the 15th, 16th, and 17th inst., make and publish the following award: That is all. And I hope you will all live in peace."

References: Edwin Lloyd, *Three Great African Chiefs*, pp. 127, 128.

419. **AFGHANISTAN and RUSSIA, in 1895.** *Pamir Delimitation.* By an Agreement between Great Britain and Russia, March 11th, 1895, it was referred to an ANGLO-RUSSIAN JOINT COMMISSION, on which General Montagu Gerard represented Great Britain, and General Pavolo-Schweikovski, Governor of Ferghana, Russia. The work of the Commission was completed satisfactorily in 1895, and, according to General Gerard's testimony, with the utmost cordiality between the representatives of the two Governments.

References: State Papers, LXXXVII. 15-18; *Times*, October 17th, 1892, etc., December 26th, 1895; *Statesman's Year Book*, 1896, Map; Parl. Papers [C. 7643] Treaty Series, No. 8, 1895.

420. **GREAT BRITAIN and PERSIA, in 1895.** The determination and demarcation of the frontier between Persia and British Baluchistan were, by an Agreement, signed at *Teheran*, December 28th, 1895, referred to a JOINT COMMISSION, which began its work, February 27th, 1896, and signed its *Final Agreement* on March 24th, 1896. About 290 miles of the frontier were determined by this Commission, and about half of it demarcated on the spot.

References: Information furnished by the India Office, London, June 15th, 1904.

421. **FRANCE and GREAT BRITAIN, in 1895.** The frontier between the British Colony of Lagos and the French Colony of Dahomey was delimited on the spot by an Anglo-French Boundary Commission in 1895. The Report of this Commission was signed on October 12th, 1896, and, by Art. 2 of the Niger Convention, is recognised as henceforth fixing the line of frontier, which is set forth in detail in the remainder of the Article.

References: Niger Convention, Art. 2; Parl. Papers [C. 9834], Treaty Series, No. 15, 1899.

422. BRITISH BURMA and CHINA, in 1897. Under the Conventions between Great Britain and China, dated July 24th, 1886, March 1st, 1894, and *February 4th*, 1897, which were duly presented to Parliament, a JOINT COMMISSION was, by Art. 6 of the last-named Convention, which modified the previous one, appointed to demarcate the Boundary between Burma and China. The Commission resulted in the definitive settlement of a large portion of the border, the remainder, which it was not practicable to demarcate at the time, being provisionally laid down, pending a final agreement.

References : Communication from India Office, London, November 18th, 1908 ; Brit. and For. State Papers, LXXXVII. 1811-1819, LXXXIX. 25-30.

423. FRANCE and GERMANY, in 1897. By a Convention between France and Germany, signed at *Paris, July 23rd*, 1897, the ratifications of which were exchanged in that City, January 12th, 1898, the Protocol of July 9th, 1897, embodying the Arrangement defining the Togo-land boundary—come to by the Joint Arbitration Commission, which had been sitting at Paris, and which consisted of MM. René Lecombe, Louis-Gustave Binger, Felix de Müller, Dr. H. Zimmermann, and Ernst Vohsen, was confirmed, and it was also stipulated (Art. 4) that a JOINT COMMISSION should be appointed to trace on the spot the line of demarcation in conformity with that Agreement.

References : Brit. and For. State Papers, LXXXIX. 584-586.

424. GREECE and TURKEY, in 1897. Adjudication follows, if it does not precede, and so prevent, war. That is the lesson of all Treaties of Peace. By Art. 1 of the Preliminary Treaty of Peace between Turkey and Greece, signed at *Constantinople, September 18th*, 1897, a DELIMITATION COMMISSION, consisting of delegates of the two parties interested, together with military delegates of the Ambassadors of the mediating Powers, was appointed to delimitate on the spot the new frontier line between Turkey and Greece. This Commission was to begin its work within fifteen days after the signing of the Treaty, and Sir P. Currie, the British Ambassador at Constantinople, reported, on October 18th, that the foreign members of the Commission, on which Col. Ponsonby was the British Representative, were leaving that afternoon for the frontier, and would proceed to Larissa, where the formal meeting of the Commission would take place. The Definitive Treaty of Peace, signed at Constantinople December 4th, 1897, repeated and confirmed the provisions of the Preliminary Treaty, and provided that the Definitive Act of Delimitation, with the map annexed thereto, which would be prepared and signed by the Delimitation Commission, should "form an integral part of the present Treaty."

References : Brit. and For. State Papers, XC. 422-430, 546-553, XCI. 124-473 ; Convention Consulaire Helleno-Turque, 1900 (Appendix).

425. GREAT BRITAIN and PORTUGAL, in 1898. The Award of Signor Vigliani in the Manicaland Arbitration was given on January 30th, 1897, but the actual delimitation of the frontier, according to the Award, was, at the request of the British Government, postponed until the following year. A JOINT COMMISSION was then appointed, and early in 1899 (March) the Portuguese members of it informed their Government that they had arrived at an understanding with their English colleagues ; that the line of demarcation fixed by the Arbitrator had been slightly modified, as the result of mutual concessions, and that the Commissioners had had maps of the new delimitation prepared for transmission to their Governments.

References : State Papers, LXXXIX. 714, etc. ; P.I., pp. 486-504 ; Parl. Paper [C. 8434] ; *Delimitation de la Frontière*, etc., Florence, 1897 ; *Herald of Peace*, September, 1897, p. 286, and April, 1899, p. 196.

426. ARGENTINE and BRAZIL, in 1898. By a Treaty signed at *Rio de Janeiro, October 6th*, 1898, settling the boundaries between the two countries according to the Award of the President of the United States, February 5th, 1875, a BOUNDARY COMMISSION was appointed (Arts. 5 and 6) to delimit the frontier on

the spot, in accordance with the Award. Each party was to appoint a first Commissioner, a Substitute, a second Commissioner, and two Assistants, together with the necessary auxiliary personnel.

References: Brit. and For. State Papers, XC. 85-87.

427. **COLOMBIA and VENEZUELA, in 1898.** The Award of the Queen Regent of Spain, of March 16th, 1891, was accepted in principle by both Governments; but, as Venezuela, especially, was not satisfied with it as a whole, the question continued for some time to form the subject of diplomatic correspondence. The two Governments, however, in an Agreement dated April 4th, 1894, embodied their views on the several points relating to the frontiers as defined in the Arbitral sentence, agreed to certain modifications, and engaged to send out, within a certain period, a MIXED COMMISSION to mark the boundary, in accordance with the award and with certain modifications agreed upon. Nothing was then done, but by Articles 38 and 39 of the Treaty of Bogota, signed November 21st, 1896, this Commission, consisting of fifteen members, eight for Colombia and seven for Venezuela, was agreed upon. This Treaty, too, was not ratified, and the matter dragged on. An Agreement, or Convention, for the execution of the Queen of Spain's Award, was signed at *Caracas*, December 30th, 1898, and ratified in the same city April 21st, 1899. Full and final provision were made for this COMMISSION, and instructions agreed upon for its guidance. The Commission was to meet on December 21st, 1899, in the town of Arauca, but the war in both countries prevented this, and it held its first preparatory sitting at Caracas on that date. The Commission was organised into two sections, which proceeded to work on the spot immediately, and during the year 1901 embodied the results of their labours in a series of *Acts*, which were passed from time to time, as these labours were concluded.

References: *Anales Diplomaticos y Consulares de Colombia*, 1900, I. 78-250, 268-271, 384-463; II. (1901) 118, 119, 413-624; *Les Deux Ameriques*, September 1st, 1900; U.S. For. Rel., 1894, 200; Moore, V. 4858-4662.

428. **FRANCE and GREAT BRITAIN, in 1898.** By Art. 5 of the *Niger Convention*, signed at *Paris*, June 14th, 1898, a JOINT COMMISSION was appointed to delimit, on the spot, the line of frontier separating the British Colony of the Gold Coast from the French Colonies of the Ivory Coast and the Sudan, that is, the Northern frontier of the Gold Coast, as defined in Art. 1. The Commission, which consisted of Captain A. E. G. Watherston, Lieut. Henderson, and Dr. Smart, for Great Britain, and Captain Peltier and Lieut. Cherier, for France, met on the frontier, in February, 1900, and completed their work in that year, Captain Watherston having returned to England in February, 1901. He reported that the relations between the Commissioners had been throughout characterised by the greatest possible cordiality.

References: Parl. Papers [C. 9334], Treaty Series, No. 15, 1899; *Herald of Peace*, March, 1901, p. 29.

429. **FRANCE and GREAT BRITAIN, in 1898.** Art. 3 of the *Niger Convention*, signed June 14th, 1898, settled the frontier between points on the Niger seven miles apart, and by Art. 5, provision was made for a Commission to determine this line on the spot. This Commission, which consisted of Lieut.-Col. Lang-Hyde (British) and Major Toutée (French), accomplished its work during 1900. Major Tontée left for Dahomey in February, and reached Ilo in July of that year, whereupon the Commissioners began and completed their task without delay.

References: Parl. Papers [C. 9334], Treaty Series, No. 15, 1899, [Cd. 1768-14], Colonial Reports. Annual No. 409, North Nigeria, Report for 1902, p. 79; *Herald of Peace*, August, 1900, p. 97.

430. **FRANCE and GREAT BRITAIN, in 1898.** By Art. 5 of the *Niger Convention*, signed June 14th, 1898, the contracting parties agreed to appoint a Joint Commission to delimit the Northern frontier of Northern Nigeria from the Niger to Lake Tchad. Under this provision a Joint Boundary Commission was appointed in the autumn of 1900, in continuation of the work already begun by the Joint Commission of 1900. The British Commissioners were Lieut.-Col. G. S.

Elliott, R.E., and two subalterns, Lieuts. Foulkes and Frith, who left Liverpool on October 4th, 1902. They reached Lokoja on November 1st, and Ilo, December 25th. Here they were joined by Captain Moll, the French Commissioner and his party, and took up the work of demarcation, from the point on the Niger where Lieut.-Col. Lang-Hyde and Commandant Toutée left it in 1900. By February 18th, 1903, they had completed their survey up to the first intersection of the arc, described around the town of Sokoto, at a distance of 100 miles, with the fourteenth parallel of latitude. On January 28th, 1904, Lieut.-Col. Elliott telegraphed to his Government that the Commission had completed its labours.

References : Parl. Papers [C. 9834]. Treaty Series, No. 15, 1899, [Cd. 1768, 14], Colonial Reports, Annual No. 409, North Nigeria, Report for 1902, p. 79; *Herald of Peace*, October 1902—April 1904, *passim*.

431. **FRANCE and GREAT BRITAIN, in 1898.** British and French Boundary Commissioners reported as to the position of places on the Gambia, May 8th, 1893. In December, 1898, an Anglo-French Boundary Commission, under the Colonial Engineer and Captain Tyler, R.E., left to define the Boundary on the North Bank of the Gambia. It was reported in February, 1899, that its work was at a standstill, as it had been found that the old boundary line had been incorrectly placed, and that certain territories in the Wellhi district were within the fixed radius, thereby bringing the French Inland Telegraph Line within the British Protectorate. The labours of this Commission, so far as we can gather, are not recorded.

References : Hertalet, *Map of Africa*, etc., II. 588; *Herald of Peace*, March, 1899, p. 184.

432. **FRANCE and GREAT BRITAIN, in 1899.** The line of frontier in the Bahr-el-Ghazal region in Africa was described in paragraph 2 of a *Declaration*, signed at London, March 21st, 1899, of which the ratifications were exchanged at Paris, June 13th, 1899, and in paragraph 4, "the two Governments engage to appoint Commissioners who shall be charged to delimit on the spot a frontier line, in accordance with the indications given in paragraph 2 of the Declaration. The result of their work shall be submitted for the approbation of their respective Governments." We have been unable to trace the appointment and work of this Commission.

Reference : Parl. Papers [C. 9334], Treaty Series, No. 15, 1899.

433. **BELGIUM and FRANCE, in 1899.** This case is unique and striking. On April 4th, 1900, a Convention between France and Belgium was signed at Paris, approving and confirming the Procès-Verbal of a JOINT COMMISSION appointed to delimit a portion of the Franco-Belgian frontier; in execution of the Treaty of Courtrai of March 28th, 1820. The Commission held its last sitting and issued its *Award* at Bruges, on February 7th, 1899. The date of its appointment is not known.

References : State Papers, LV. 395, XCII. 1020-1024.

434. **GERMANY and GREAT BRITAIN, in 1900.** An Agreement respecting the Jassin and Umba Valley boundary between the possessions of these countries in East Africa was signed at Jassin, February 14th, 1900, by Messrs. E. S. H. J. Russell and Dr. F. Stuhlmann, the members of a JOINT BOUNDARY COMMISSION, on the completion of their work. The date of their appointment is not known.

References : Brit. and For. State Papers, XCII. 877-879.

435. **FRANCE and SPAIN, in 1900.** A Convention was signed between these countries at Paris, June 27th, 1900, and ratified March 22nd, 1901, for the delimitation of their possessions on the coast of the Sahara, and on the coast of the Gulf of Guinea. By Art. 8 a BOUNDARY COMMISSION was appointed to trace the lines of demarcation on the spot. Its work was finished in 1901.

References : State Papers, XCII. 1014-1017; London *Times*, December 12th, 1901.

436. **DENMARK and GERMANY, in 1900.** Owing to the alteration in the course of some streams forming the frontier (the Norderau and the Kjar-mühlenau), its rectification became necessary. This was provided for by a Convention, signed at *Copenhagen, February 12th, 1900*, and ratified February 11th, 1902, which appointed a **JOINT COMMISSION** to see that the work had been duly executed, and to make the necessary survey, and report.

References: State Papers, XCII. 1025-1027.

437. **GREAT BRITAIN and VENEZUELA, in 1900.** Following the Award of the Venezuela Arbitration Commission, which was given at Paris, October 3rd, 1899, a Joint Commission, consisting at the first of four British Commissioners and eight Venezuelan, was appointed to demarcate the line on the spot, according to that Award. On September 14th, 1900, the United States Minister to Venezuela reported in Washington that the Commission had then entered upon its labours. These have been since reported from time to time in despatches and in the public press. A final message, through Reuter's Agency, dated George Town, British Guiana, June 30th, 1904, stated "that the work of demarcating the boundary between British Guiana and Venezuela has just been completed, and the Commissioners have returned to George Town from the interior.

References: Parl. Paper [C. 9533], Venezuela No. 7, 1899; P.I., pp. 556, 557; *London Times*, September 15th, 1900, p. 6, and July 15th, 1904; *Hazell's Annual*, 1902, p. 79.

IV.—NATIONAL COMMISSIONS.

These have an Arbitral character, for they embody the principle of Arbitration, and they are so far international that they follow from an international Agreement or transaction of some kind, and, usually, an appointment for the final settlement of an international question. They are generally Domestic Tribunals for the settlement of International Claims or the conclusion of International questions.

438. The **GERMANIC EMPIRE, in 1802.** The Extraordinary Deputation of the Germanic States, appointed by a decision of the Empire, October 2nd, 1801, to execute Arts. 5 and 7 of the Peace of Luneville, February 9th, 1801, and to rearrange the Empire after the devastations of the wars of the French Revolution, met on August 24th, 1802, and immediately, *October 16th, 1802*, appointed a **COMMISSION**, consisting of the Duke of Würtemberg and the Margrave of Baden, to administer provisionally certain Districts (Westphalia), to examine the claims of the Counts therein, and to select those who were entitled to special reparation. This Commission, on which the Duke of Würtemberg was represented by M. Von der Lüh, and the Margrave of Baden by M. Hofer, proceeded at once (November 12th) to Ochsenhausen, where it began work. Its labours were finished towards the end of January (1803), and their results were embodied in the *Receiz*, or Final Act, of the Deputation (Art. 24), which was signed at Ratisbon, on February 25th, 1803.

References: De Garden, VII. 344-346; Schoell, II. 271, 272.

439. The **RHENISH STATES, in 1803.** *Executive Commission of Frankfurt.* The Electors of Mayence and Hesse-Cassel having been especially entrusted by Arts. 68 and 70 of the *Receiz, February 25th, 1803*, with the duty of apportioning the charges affecting the Districts of the Rhine, especially the sustentation of the dispossessed Ecclesiastical Sovereigns, a **COMMISSION** was appointed, consisting of Baron Kieningen, as sub-delegate of the former, and Baron Gayling d'Altheim, of the latter. By Art. 85 of the *Receiz*, it was decided

that whenever there occurred a conflict of interests, and a friendly arrangement could not be reached, either the Princes themselves or their Commissioners should call in an Umpire (*sur-arbitre*). This Commission was constituted at Frankfort on March 8th, 1804, and continued its sittings until July 18th, 1806, when the Germanic Empire ceased to exist.

References : Schoell, II. 301-305, 315 ; De Garden, VII. 423-433, 457.

440. The **RHENISH STATES, in 1803.** The due apportioning, among the new possessors of the secularised States, of the debts and charges of the special Divisions (*Cercles*) of the Upper and Lower Rhine, was, by Art. 68 *et suiv.*, of the *Recez* of February 25th, 1803, referred for examination and settlement to the Electors of Mayence and Hesse-Cassel, with the provision in Art. 85 to call in an Umpire (*sur-arbitre*) if necessary. In fulfilment of this Commission, the former, who was also the Arch-Chancellor, in 1805 invited the Members of the two Divisions (*Cercles*) to meet at Frankfort, where their SUB-DELEGATES were occupied from November 22nd of that year to July 12th, 1806, in work preparatory to the carrying out of that paragraph of the *Recez*. They were on the point of reaching a conclusion when the Act of July 12th, 1806, dissolved the Empire and its Divisions (*Cercles*). Art. 29 of this Treaty, formed between some of the German Princes and Napoleon, enacted that the Confederated States should contribute to the Debts of these Divisions (*cercles*), and also provided for those of the Division of Swabia. The debts of the Upper and Lower Rhine were submitted to a CONGRESS summoned for the purpose, to which French Commissioners were also invited. The Congress, which was called for August 1st, was opened at Frankfort on August 8th, 1808. The debts, including the expenses of the Body appointed to carry out Art. 68 of the *Recez*, amounted to 962,921 florins, but their division never took place, and the Duke of Frankfort, by a patent dated August 3rd, 1812, took upon himself the payment of a part of them. The debts of Swabia, amounting to 3,090,860 flor. 39 kr., were dealt with by a Convention signed at Stuttgart, May 4th, 1809. The debts of Franconia, however, were adjudicated upon by a COMMITTEE consisting of Deputies of the Kings of Bavaria and Württemberg, of the Prince Primate, and the Grand Dukes of Baden and Würtzburg. This Committee opened its sittings at Nuremberg on May 1st, 1807, and closed its labours by a document signed September 13th, 1808, which disposed of a total of 1,237,406 $\frac{1}{2}$ florins, divided between twelve States.

References : Schoell, II. 305, 486-488 ; De Garden, VII. 423-435 ; Winkopp, III. 141, IV. 113, V. 252, 354, VII. 94, XI. 311, 328, XVII. 353, XVIII. 268.

441. The **RHENISH STATES, in 1803.** For the regulation and appointment of the Imperial Taxation, among the States of the Rhine Districts (*Cercles*), a COMMISSION was appointed under Art. 88 of the *Recez*, February 25th, 1803. This Commission met for the first time on March 6th, 1804, and continued to hold meetings until August 31st, 1806. Its chief result appears to have been the increase of the debts of the two Districts by 43,203 florins.

References : Schoell, II. 305 ; De Garden, VII. 433.

442. **FRANCE and the UNITED STATES of AMERICA, in 1803.** DISTRIBUTION OF FRENCH INDEMNITY. On April 30th, 1803, a *Treaty* and two *Conventions* were signed between France and the United States. The *Treaty* ceded Louisiana to the United States ; the first of the two *Conventions* provided for the payment by the United States to France of 60,000,000 francs ; the other for the payment by the United States of debts due by France to citizens of the United States, to an amount not exceeding 20,000,000 francs. The ratifications of the *Treaty* and *Conventions* were exchanged at Washington on October 21st, 1803. On May 18th, 1803, a COMMISSION, consisting of James Mercer, of Virginia, Isaac Cox Barnet, of New Jersey, and William M'Clure, of Richmond, Va., was appointed as a Board for examining claims, and carrying the second *Convention* into effect. The first Meeting of the Board was held on July 5th, 1803, and the last, after considerable difficulties had been encountered

in the prosecution of its labours, on December 1st, 1804, when according to the terms of the Treaty, its term had expired, and the Board was adjourned *sine die*.

References: The Formal Record of the Proceedings of the Commission is contained in two MS. Vols. in the Department of State, one of which is entitled "American Commission, Paris, 1803, Register, A"; and the other, "American Commission, Paris, 1803, Letter Book, No. 1"; Am. State Papers For. Rel. II. 204-559 pass., VI. 149-196; Adams's Hist. of U.S., I. 409, II. chap. 1; MSS. Dept. of State; Moore, V. 4899-4446.

443. POLAND and the POWERS, in 1815. By Art. 22 of the Treaty relating to Poland signed between Austria and Russia, and Art. 20 of that signed between Prussia and Russia, on *May 3rd*, 1815, it was enacted, "The DOMICILIARY COURT shall likewise decide differences which may arise between any individual and the Governor of those territories, but it is the Chief Court of the territory wherein the property in litigation is situated which shall cause the sentence emanating from the former court to be put in execution. This Regulation shall be in force for the term of ten years, at the expiration of which the two High Powers reserve to themselves the right of making any other Regulation that may be necessary."

References: Hertalet, Map of Europe, etc., I. 1; State Papers, II. 56, 99.

444. POLAND and the POWERS, in 1815. The FREE CITY OF CRACOW. It is interesting to note that by the Constitution of the Free City of Cracow, signed at Vienna, *May 3rd*, 1815 (which was approved and guaranteed by Art. 7 of the Treaty between Austria, Prussia and Russia, of *May 3rd*, 1815, and afterwards formed part of Annex 3 to the Vienna Congress Treaty of June 9th, 1815), the Assembly of Representatives included six MAGISTRATES OF ARBITRATION, actually in office, who were to serve in rotation. This is further explained in Art. 14, which says, "The Assembly of Representatives shall appoint a Magistrate of Arbitration to every district, consisting of not less than 6,000 souls. He shall exercise his function for three years. Besides his duty as Arbitrator, his business shall be to watch over the interests of minors, as well as to take cognisance of all suits relating to funds and landed property belonging to the State, or to public institutions. Upon all matters referred to him in his double capacity, he shall communicate with the youngest Senator, whose special duty it shall be to attend to the interests of minors and to actions of law concerning funds or landed property of the State."

References: Hertalet, Map of Europe, etc., I. 122, 127-131; State Papers, II. 374; Schoell, III. 400.

445. POLAND and the POWERS, in 1815. The FREE CITY OF CRACOW. The "Additional Treaty" relative to Cracow signed between Austria, Prussia and Russia at Vienna, on *May 3rd*, 1815, provided (Art. 14) that the inhabitants of Cracow should always be at liberty to submit the arrangement of their private claims to the COMMISSION authorised to settle the accounts of the City.

References: Hertalet, Map of Europe, etc., I. 125; State Papers, II. 74.

446. FRANCE and GREAT BRITAIN, in 1818. On *May 19th*, 1818, an Act of Parliament was passed (59 George III. cap. 31.), "To enable certain COMMISSIONERS fully to carry into effect several Conventions for liquidating Claims of British Subjects and others against the Government of France" (see I. Nos. 10, 11). The Act, after (Art. 1) making special reference to the Commissioners appointed under Treaty of *May 30th*, 1814, to the Commissioners appointed under Treaty of November 20th, 1815, to the Commissioners of Liquidation under Treaties of *May 30th*, 1814, November 20th, 1815, and April 25th, 1818, and to the Commissioners of Deposit, provides for the Appointment and Oaths of the new Commissioners (Art. 2), the Procedure to be adopted by them in the examination and the final adjustment of Claims (Arts. 1-5), Orders for payment of Claims (Arts. 7-14), Appeals to Privy Council (Arts. 8-14), etc.

References: Hertalet, Complete Collection, etc., III. 103; State Papers, V. 192; Hertalet, Map of Europe, etc., I. 555.

447. SPAIN and UNITED STATES, in 1819. *Indemnity under the Florida Treaty.* By Art. 11 of the *Treaty of Florida, February 22nd, 1819*, the United States, exonerating Spain from all demands for the American claims that had been renounced by the previous Article (10) of that Treaty, undertook "to make satisfaction for the same" (i.e. to their own subjects), "to an amount not exceeding five millions of dollars," and for this purpose to appoint a COMMISSION of three citizens of the United States, which should, within three years from its first meeting, "receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned." The Article further provided that, "the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty between the two parties of October 27th, 1795. The Ratifications of the Florida Treaty were not exchanged till February 22nd, 1821, and on March 31st, 1821, President Monroe appointed as Commissioners Messrs. H. L. White, of Tennessee, W. King, of Maine, and J. W. Green, later L. W. Tazewell, of Virginia, with Tobias Watkins as Secretary and Joseph Forrest as Clerk. The Board met and adopted Rules of Procedure, June 14th, 1821; and on June 8th, 1824, the day of their final meeting, after having continued their sittings for the full treaty period of three years, made a full report of their Awards, which was published in the *National Government Journal*, June 26th, 1824, and a list of the awards in the following number.

References: R.M.P., III. 410, (411); N.R., V. 323; 3 Stats. at L., 639, 673, 762; 4 Stats. at L. 33; Scott's Memoir of Judge White, Phila. 1856; Grigsby's Discourse on Hon. L. W. Tazewell, Norfolk, 1860; Reminiscences of James A. Hamilton, p. 57; Moore, V. 4487-4518; P.I., p. 7.

448. SPAIN and UNITED STATES, in 1819. *Settlement of the East and West Florida Claims.* Art. 9 of the Treaty of Florida, February 22nd, 1819, between Spain and the United States, closed with the following stipulations: "And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas. The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida." By an Act of March 3rd, 1823, Congress authorised and directed the Judges of the Superior Courts at St. Augustine and Pensacola to form a TRIBUNAL to "receive and adjust all claims arising within their respective jurisdictions, of the inhabitants of said territory, or their representatives, agreeably to the provisions of Art. 9 of the Treaty with Spain, by which the said territory was ceded to the United States," and by it the claims were adjusted. The proceedings, which involved many important points, and much diplomatic correspondence between the two Governments, continued until 1884, papers on the subject being presented to the Senate by President Arthur on April 18th of that year. On the fourteenth of the preceding month, Mr. Herndon, from the Committee on Foreign Affairs, had reported a bill to authorise the Secretary of the Treasury to pay the claims for interest.

References: Am. State Papers For. Rel., I. 63, II. 564, III. 290-400, 539, 543-571, IV. 496, 555-560, 776-808; 2 Stats. at L., 254; 3, 471, 768; 6, 569; 9, 130 and 788; Adams's History of U.S., V. 305-315, VIII. 317-330; S. Ex. Doc. 97, 25 Cong. 3 Sess.; 46 Cong. 2 Sess.; 48 Cong. 1 Sess.; 101 and 205, 46 Cong. 2 Sess.; 158, 48 Cong. 1 Sess.; H. Report 112, 19 Cong. 1 Sess.; 16, 20 Cong. 1 Sess.; 99, 20 Cong. 2 Sess.; 176, 21 Cong. 1 Sess.; 227, 46 Cong. 3 Sess., etc.; Moore, V. 4519-4531.

449. GREAT BRITAIN and UNITED STATES, in 1827. *Indemnity for Slaves.* By an Act passed on March 2nd, 1827, to carry the Convention of November 13th, 1826, into effect, the United States appointed a DOMESTIC COMMISSION, to consider the claims and to distribute the money paid by Great Britain. Under this Act Langdon Cheves and Henry Seawell, who had served respectively as Commissioner and Arbitrator under the Convention of 1822, were appointed as the new Commissioners, and with them was joined James Pleasants, of Virginia. Their first meeting was held in Washington, July 10th, 1827. They immediately promulgated Rules to govern the transaction of business before them, and pro-

ceeded to work. The last meeting of the Commission was held August 31st, 1827. It was then found that the sums awarded, exclusive of interest, amounted to 1,197,422.18 dollars, which left only 7,537.82 dollars to be distributed. This sum the Commission ordered "to be distributed and paid ratably to all the claimants to whom awards have been made."

References: R.M.P., IV. 45; 4 State at L., 219, 269; Am. State Papers For. Rel., VI. 389, 872, 821-863, 882-892, 962; Moore, I. 382-390, V. 4788, 4789; P.L., p. 20.

450. DENMARK and UNITED STATES, in 1830. This arose out of a question of mutual claims and indemnities, which had their origin in the Napoleonic wars. After much diplomatic discussion, Denmark renounced her claims and agreed to pay 650,000 dollars. This question was settled by a *Treaty*, signed at *Copenhagen, March 28th, 1830*, and ratified at Washington, June 5th, 1830. The distribution of the Fund was by this Treaty committed to the United States, and, for the purpose of adjusting the claims, etc., Government engaged to establish a BOARD OF COMMISSIONERS composed of three American citizens, to be named by the President of the United States, with the advice and consent of the Senate, who "shall adjudge and distribute the sums mentioned in Arts. 1 and 2 of the Treaty." The Commissioners were George Wincheater, Wm. J. Duane, and Jesse Hoyt, and their Secretary, Robert Fulton. They met in Washington, on Monday, April 4th, 1831. The last meeting of the Board was held on March 28th, 1833, when its work was done; and, after signing a Report to the Secretary of State, giving an account of their proceedings, the Commission adjourned *sine die*.

References: N.R., VIII. 350; State Papers, XVII. 958; Am. State Papers For. Rel., III. 327-332, 521-535, 614; Wharton's Dip. Cor. Am. Rev., III. 385-744, V. 462, VI. 261, 717, 787; Davis's Notes: Treaties and Conventions, 1776-1887, p. 1287; Elliot's Am. Dip. Code, I. 453, etc.; Moore, V. 4549-4573; Wheaton's Internat. Law, pp. 867-871; Danske Traktater, 1800-1863 (Copenhagen, 1877), pp. 139-143.

451. FRANCE and UNITED STATES, in 1831. Payment of a *French Indemnity* was made, the result of claims and counter-claims, arising out of belligerent depredations at sea during the Napoleonic wars, some of them dating prior to 1800. After long negotiation and much discussion, by a *Convention*, signed *July 4th, 1831*, of which the ratifications were exchanged at Washington, February 2nd, 1832, the former country agreed to pay a sum of 25,000,000 francs, with interest, the money to be distributed by the United States, and to accept the sum of 1,500,000 dollars in satisfaction of all the French claims. An Act of Congress of July 13th, 1832, made provision for carrying the Convention into effect by the appointment of "three Commissioners, who shall form a BOARD, whose duty it shall be to receive and examine all claims which may be presented to them under the Convention," etc., according to the provisions of the same, and the principles of justice, equity, and the law of nations." This Board consisted of three Commissioners, Messrs. G. W. Campbell, of Tennessee, John K. Kane, of Pennsylvania, and R. M. Saunders, of North Carolina, who were appointed by the President. They were required to meet in Washington on the first Monday in August, 1832, and to terminate their duties within two years thereafter. The labours of the Commission proved to be very onerous, and its existence was twice prolonged, first for a year, and then till January 1st, 1836. A diplomatic rupture between the two countries occurred in consequence of the Award, January 1836, but this was healed through the mediation of Great Britain, and the Award was accepted. The aggregate of the Awards was 9,362,193 dollars (£1,872,438), the last instalment of which was duly paid by France in 1836.

References: Adams's History of U.S., III. 290-388, IV. 303, V. 63, 138, 143, 242, 243, and, generally, Chapters XI., XII., and VI. 255, 256; Adams's Writings of Gallatin, II. 196, 209; Am. State Papers For. Rel., III. 25, 80, 244-291, 324-333, V. 152, 204-288, 598-629, 640, 672, etc.; Congressional Debates, XI. Part 1, 103, 200, Part 2, 1515, 1581-1634, etc.; Wharton's Dip. Cor. Am. Rev. I. 864-886; Other Congress Papers, see Moore, V. 4447-4485.

452. NAPLES and UNITED STATES, in 1832. *Neapolitan Indemnity.* By a *Convention*, signed *October 14th, 1832*, the King of the Two Sicilies agreed to pay to the United States 2,115,000 Neapolitan ducats, in settlement of claims arising out of

depredations on American vessels during the Napoleonic wars; and by an Act of Congress, March 2nd, 1833, provision was made for the appointment by the President, by and with the consent of the Senate, of a BOARD of three Commissioners "to receive and examine all claims under the Convention of October 14th, 1832, which were provided for by the said Convention according to the provisions of the same, and the principles of justice, equity, and the law of nations." It was further provided that the Board should have a Secretary, versed in the French and Italian languages, and a Clerk. Messrs. Wylys Silliman, John R. Livingston, Jun., and Joseph S. Cabot, were appointed Commissioners; Thomas Swann, Jun., Secretary, and John W. Overton, Clerk. They held their first Meeting on September 19th, 1833, and having disposed of all the claims before them, making about 275 separate *Awards*, aggregating a sum of 1,925,034.68 dollars, they signed their final Report March 17th, 1835, and then adjourned.

References: Am. State Papers, For. Rel., IV. 160-169; 4 *Stats at L.*, 664, 680; MSS. Dept. of State; Moore, V. 4575-4589 (esp. 4581, 2 and 7).

453. SPAIN and UNITED STATES, in 1834. This arose from new claims against Spain, after the comprehensive settlement by the Treaty of 1819, in consequence of the war between Spain and her American colonies. The following modes of settlement were proposed to Spain: either by a Convention for the establishment of a Mixed Commission, to meet at Washington, to decide upon the mutual claims, and to strike the balance, or by a Convention stipulating for the payment of a gross sum. The latter was accepted, and on these terms a *Convention* was signed, *February 17th, 1834*, by which the contracting parties renounced, released, and cancelled all claims which either might have upon the other, of whatever denomination or origin they might be, from February 22nd, 1819 (the date of the Florida Convention), till the date of settlement; and, by Art. 1 of the Convention, the United States undertook to adjudicate on the distribution of the sum agreed upon. On June 29th, 1836, the President and Senate appointed Louis D. Henry, of North Carolina, as Commissioner, J. J. Mumford, of New York as Secretary, and C. van Ness as Clerk. They met as a BOARD, and adopted Rules of Procedure, on July 30th, 1836. The term of the Commission was at first limited to a year from the first Meeting in Washington, but was afterwards extended till February 1st, 1838. The business was disposed of, and the Commissioner made his final report, January 31st, 1838.

References: Brit. and For. State Papers, IX. 784-999, X. 938, 944, XI. 44, XV. 900, 907, XVIII. 2; S. Ex. Doc., 147, 28 Cong. 2 Sess.; 5 *Stats. at L.*, 84, 179; H. Ex. Doc. 73, 24 Cong. 2 Sess.; Davis's Notes: Treaties and Conventions, 1776-1887, p. 1387; Moore, V. 4538-4547.

454. FRANCE and PORTUGAL, in 1840. An Ordinance of King Louis Philippe, of France, issued at Paris, February 15th, 1840, ordered the publication of the Convention of Claims, signed at *Paris, December 7th, 1839*, between France and Portugal, under which the latter agreed to pay the former the sum of 800,000 francs. Following this, the French King appointed a National (or Domestic) Commission to examine the Claims of French subjects, and to allot the money. This he did by an "Ordonnance relative à la liquidation des réclamations formées par les Français contre le Gouvernement Portugais et fondées sur les Traités et Conventions conclus entre la France et le Portugal antérieurement au 25 Avril, 1818," issued in Paris, *February 17th, 1840*. By Art. 1, a Special Commission of Liquidation was appointed, composed of five members named by the King, and by Art. 3, a Special Commission of Revision, also composed of five members designated by the King, was appointed.

References: Brit. and For. State Papers, XLIX. 780, etc.

455. PERU and UNITED STATES, in 1841. *Peruvian Indemnity.* By a *Convention*, signed at *Lima March 17th, 1841*, the Peruvian Government agreed to pay to the United States the sum of 300,000 "hard dollars," "on account of seizure, damage or destruction of property at sea, or in the ports and territories of Peru, by order of the Peruvian Government or under its authority." By the first Article of this Convention it was provided that the indemnity should be distributed

"in the manner and according to the rules that shall be prescribed by the Government of the United States." By an Act of Congress, August 8th, 1846, the Attorney-General, Mr. John Mason, was directed "to adjudicate the claims in accordance with the principles of justice, equity, and the law of nations, and the stipulations of the Convention." The completion of the task passed into the hands of his successor, Mr. Nathan Clifford, who on August 7th, 1847, reported the *Awards* which had been made to the Secretary of State, as required by the Act of Appointment.

References : S. Ex. Doc. 58, 31 Cong. 1 Sess. ; 9 Stats. at L. 80 ; Moore, V. 4591-4607.

456. MEXICO and UNITED STATES, in 1849. By the Treaty of Guadalupe Hidalgo, signed February 2nd, 1848, and ratified May 30th, the United States, in exchange for territory ceded by Mexico, agreed not only to pay the liquidated claims under the Conventions of 1839 and 1843, but also to "discharge the Mexican Republic from all claims of citizens of the United States not heretofore decided against the Mexican Government" (Art. 14), and "to make satisfaction for the same to an amount not exceeding three and one-quarter millions of dollars" (Art. 15). For the purpose of executing this engagement as to the unliquidated claims, the United States agreed to establish a "Board of Commissioners, whose Awards should be final and conclusive." By an Act of March 3rd, 1849, the President was directed to appoint, "by and with the advice and consent of the Senate," a Board of Commissioners to sit in Washington. This Board consisted of Messrs. George Evans, of Maine, Robert T. Paine, of North Carolina, and Caleb B. Smith, of Indiana. Their first meeting was on April 16th, 1849, and on April 15th, 1851, the business of the Board was brought to a close, and their Awards were certified to the Secretary of State. The whole amount awarded was 3,208,314.96 dollars.

References : *Tratados y Convenciones Vigentes*, Mexico, 1904, pp. 1-25 ; 9 Stats. at L., p. 398 ; Moore, II. 1248-1286 ; P.L., pp. 23, 24.

457. BRAZIL and UNITED STATES, in 1849. *The Brazilian Indemnity.* By a *Convention*, concluded at Rio de Janeiro January 27th, 1849, a settlement was effected of the long-pending claims of citizens of the United States against the Government of Brazil, by the latter Government agreeing "to place at the disposition of the President of the United States the amount of 330,000 milreis, current money of Brazil, as a reasonable and equitable sum," to comprehend "the whole of the reclamations" collectively without reference to the merits of any particular case. The Convention provided for the distribution of this indemnity among the claimants by the Government of the United States, the Brazilian Government promising documents. It was recommended that the TRIBUNAL appointed for this purpose should sit at Rio de Janeiro, and in this some of the claimants concurred. But, an Act of Congress, approved March 29th, 1850, made provision for the appointment of a Commissioner to sit in Washington, and of a clerk to assist him. On July 1st, 1850, George P. Fisher, of Delaware, was appointed Commissioner, and Mr. Philip N. Searle, of New York, Clerk. Mr. Fisher at once entered upon his duties, as Commissioner, adopted rules for the government of procedure, and issued a notice of his appointment through the public press. He continued his work till June 30th, 1852, when after thirty-eight claims had been adjudicated upon, and fifty-nine *Awards* given, a report was rendered, attested, and published.

References : 9 Stats. at L. 422, 606 ; MSS. Dept. of State (U.S.A.) ; Moore, V. 4609-4626.

458. TURKEY and its CHRISTIAN POPULATION, in 1856. By a Firman and Hatti-Sheriff of the Sultan, relative to Privileges and Reforms in Turkey, dated February 18th, 1856, which is specifically referred to in Art. 9 of the Treaty of Peace, signed at Paris March 30th, 1856, that Potentate ordains : "Every Christian, or other non-Mussulman Community shall be bound, within a fixed period, and with the concurrence of a COMMISSION composed *ad hoc* of its own body, to proceed with my high approbation and under the inspection of my

Sublime Porte, to examine into its actual Immunities and Privileges, and to submit to my Sublime Porte the Reforms required by the progress of civilisation and of the Age."

References : State Papers, XLVII. 136 ; Hertalet, Map of Europe, etc., II. 1243, 1244, 1255.

459. **FRANCE and NEW GRANADA, ECUADOR, and VENEZUELA, in 1858.** By Conventions with France, signed December 4th, 1856, October 15th, 1857, and January 20th, 1858, the above South American Governments agreed to pay certain sums to French subjects for damages inflicted upon them by Colombian ships during the late war. On August 1st, 1858, the Emperor Napoleon III. issued a Decree signed at St. Cloud, forming (Art. 1) a special and voluntary Commission to apportion the indemnities paid under the above Conventions. This Commission consisted of M. le Baron Brenier (President), M. Dubois de Saligny, M. de Reiset, M. Jahan, and M. Robert, with M. de Notras, of the Department of Foreign Affairs, as Secretary. We have no record of its proceedings.

References : Brit. and For. State Papers, XLIX. 1301, etc.

460. **MOLDAVIA and WALLACHIA, in 1858.** In accordance with Art. 24 of the Treaty of Paris, March 30th, 1856, the Divans of the two Principalities were convoked *ad hoc*, and the nearly unanimous wish of both Divans for union under a single Governor was discussed by a Conference of the Powers held at Paris, from May 22nd to August 19th, 1858, which refused to sanction this proposal, but by a Convention of the latter date (August 19th, 1858) approved of a CENTRAL COMMISSION for the JOINT oversight of the affairs of the Principalities (Arts. 27-37). This Central Commission was to sit at Fockshani (Art. 27). It was to be composed of sixteen members, eight Moldavians and eight Wallachians, to be chosen by each Hospodar from among the members of the Assembly or persons who had filled high offices in the country, and four by each Assembly from among its own body. It was permanent (Art. 29), although it might adjourn, when its business permitted, for a period which was in no case to exceed four months. In 1861, the Powers and the Porte, by a Firman of December 2nd, recognised the union of the two Principalities under Prince Couza, and the meetings of the Central Commission at Fockshani were suspended. In February, 1866, Prince Couza abdicated and Prince Charles was elected, and the two Principalities became Roumania.

References : Convention of August 19th, 1858 ; Parl. Papers, 1859 ; N.R.G., XV. 2 P. 50, XVII. 2 P. 82, 87-91 ; State Papers, XLVIII. 70, LVII. 522 ; T. E. Holland, pp. 234, 235 ; Hertalet, Map of Europe, etc., II. 1329, 1339-1342, 1498-1502.

461. **CHINA and UNITED STATES, in 1858.** *Chinese Indemnity.* This DOMESTIC COMMISSION was formed for the distribution of a sum paid by China as indemnity for the destruction of American property, when the foreign factories at Canton were burned, and the foreigners were compelled to flee the city, on the night of December 14th, 1856. The amount (735,238.97 dollars) was settled by a *Convention*, signed at Shanghai, November 8th, 1858. A COMMISSION consisting of Mr. Charles W. Bradley, U.S. Consul at Ningpo, and Mr. Oliver E. Roberts, late Vice-Consul at Hong Kong, was appointed by the President, "by and with the advice of the Senate," from whose decision an appeal was allowed to the Minister of the United States in China, Mr. John E. Ward. By the Convention it was agreed that in the adjudication of claims, the Chinese Government should be represented by an officer appointed to act for it. The Commissioners met at Macao, November 18th, 1859. They concluded their labours January 13th, 1860. In most cases they came to a decision, and in every case in which they made a joint report it was approved by Mr. Ward. The total amount of the claims presented was 1,535,111.35 dollars, the whole amount awarded 489,788.43 dollars. A surplus remained after the payment of all claims ; the return of the money was proposed, but the Chinese Government declined to accept it.

References : McCarthy's Short Hist. of Our Own Times, p. 164 ; Act of March 3rd, 1859, 11 Stats. at L. 408 ; Report of Messrs. Bradley & Roberts, January 13th, 1860 ; H. Ex. Doc. 29, 40 Cong. 3 Sess., pp. 9, 17, 151, 152, 176-180, 189, 206 ; Congress Papers, Treaty Vol., p. 1259 ; For. Rel., 1885, p. 183 ; Moore, V. 4627-4637.

462. MOLDAVIA and WALLACHIA, in 1864. A MIXED COMMISSION, which was of the nature of a recurrent Domestic Commission was appointed, as part of the new organisation of the Principalities, by an *Additional Act* to the Convention of August 19th, 1858, concluded between the Porte and Prince Couza, respecting the United Principality of Moldavia and Wallachia, at *Constantinople, June 20th, 1864*. Art. 12 of this Act provided that, "at the end of each Session the Senate and the Elective Assembly shall each name a Committee, the members of which shall be chosen from among them. The two Committees shall join in a Mixed Commission, to report to the Prince on the labours of the previous Session, and to suggest to him such improvements as are deemed necessary in the various branches of the administration. The suggestions may be recommended by the Prince to the Council of State to be converted into Projects of Law." It will be seen, however, that this Mixed Commission partook more of an Advisory than an Arbitral character. The Powers gave their adherence to this Act by a Protocol signed, June 28th, 1864.

References: State Papers, LVII. 529; Hertslet, Map of Europe, etc., III. 1618-1620.

463. GREAT BRITAIN and UNITED STATES, in 1874. The "Alabama" Claims Courts.

I.—THE FIRST COURT, 1874. For the "adjudication and disposition" of the moneys received under the Geneva Award, Congress, by an *Act* approved *June 23rd, 1874*, authorised the President, by and with the advice and consent of the Senate, to appoint "five suitable persons" who should constitute a court to be known as the "Court of Commissioners of Alabama Claims." The amount paid by Great Britain was 15,500,000 dollars. The Court, which consisted of Hezekiah G. Wells, of Michigan, as presiding judge, and Martin H. Ryerson, of New Jersey, who in the winter of 1874-5, resigned and soon afterwards died, and who was succeeded by Harvey Jewell, of Massachusetts, Kesneth Rayner, of Mississippi, William H. Porter, of Pennsylvania, and Caleb Baldwin, of Iowa, was organised at Washington, July 22nd, 1874 and sat, with two extensions of time until December 29th, 1876, when it adjourned, having disposed of all the business before it. Altogether the court disposed of 2,068 claims aggregating 14,499,316.25 dollars exclusive of interest. The total amount of the judgments was 9,316,120.25 dollars including interest.

II.—THE SECOND COURT, 1882. As shown by the Treasury Statements of June 30th, 1876, and June 30th, 1877, there was paid out to claimants, on the judgments of the first Court of Commissioners of Alabama the sum of 9,315,753 dollars. The balance available for distribution which included interest added to the original amount was 9,703,903.89 dollars. By an *Act* which received the approval of the President on *June 5th, 1882*, which was entitled, "An Act for re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva Award," that Court was re-established, the number of judges was reduced from five to three, and the title of "presiding judge" was changed to "presiding justice." The new court was organised on July 13th, 1882, and the work done by it from that date, to its final adjournment on December 31st, 1885, was as follows: First class (exculpated cruiser) claims 3,204 with a total of 3,346,016.32 dollars, including interests; second class (war premiums) claims, 8,338, with a total of 16,312,944.53 dollars including interest. Separate judgments were rendered for 10,910 claimants, and the whole number of judgments was 11,377. The judgments of the first class were paid in full, and in order that the proportion paid to claimants of the second class might be increased, it was provided by an Act of June 2nd, 1886, that to the balance of 9,703,904.89 dollars belonging to the fund proper, there should be added the money derived from premiums on the sale of bonds, making in all the sum of 10,089,004.96 dollars.

References: Moore, V. 4639-4685.

464. RUSSIA and TURKEY, in 1879. Art. 5 of the Treaty of Peace between Russia and Turkey, signed at Constantinople, February 8th, 1879, stipulated that the claims of Russian subjects and establishments (*institutions*)

in Turkey to compensation for losses sustained during the war shall be settled as soon as they shall have been inquired into by the Russian Embassy at Constantinople, and transmitted to the Sublime Porte, but that the total amount of these claims shall not exceed the sum of 26,750,000 francs. In a *Protocol* between Russia and Turkey respecting the above Treaty, signed at *Constantinople, February 8th, 1879*, Prince Lobanow declared that a Commission *ad hoc* will be established at the Russian Embassy (*i.e.*, a NATIONAL or DOMESTIC COMMISSION), for the careful examination of the claims which shall be laid before it, and that, according to the instructions of his Government, an Ottoman Delegate shall be allowed to take part in it—all claims to be presented within the term of one year.

References: State Papers, LXX. 1216; Hertslet, IV. 2847, 2850; T. E. Holland, p. 349.

465. **CHILI** and **EUROPEAN POWERS, in 1882.** Before entering into the various Arbitrations to settle the claims of subjects of European Powers against itself for damages incurred in the war of the Pacific—between Chili and Peru against Bolivia—in 1882, Chili had organised a NATIONAL COMMISSION charged to examine and liquidate the different claims. This Commission was superseded by the various Mixed International Commissions, which in each case consisted of three Members, one appointed by Chili, another by the interested State, and a third by the Emperor of Brazil.

References; E. Rouard de Card, 1892, p. 166.

466. **INDIANS** and **UNITED STATES, in 1889.** The contending factions for the governorship of the Chickasaw nation reached an *Agreement on January 9th, 1889*. Each chief agreed to submit his claims to Secretary Vilas, and allow him to decide, both agreeing to abide by his Award. The contest had been in progress for three months, and had caused bloodshed and bad feeling throughout the nation.

References: *Messenger of Peace*; *Herald of Peace*, November, 1889, p. 307.

467. **COLOMBIA** and **ITALY, in 1899.** This was the final stage of the Cerruti affair. The International Commission of Settlement having been dissolved, as already related, the Minister for Foreign Affairs, by a *Resolution of February 8th, 1899*, which was publicly announced, appointed the COLOMBIAN (*i.e.* a National) COMMISSION. The names of the members were published on the 18th of the month, and on the 20th they were installed in the same place as the previous Commission. They began their task immediately, examined carefully all the claims made on behalf of the creditors of Cerruti & Co., and on October 20th 1899, signed at Bogota an elaborate *Final Report*, giving all the details, which was transmitted to the Minister for Foreign Affairs, by whom it was published.

References: *Anales Diplomaticos y Consulares de Colombia*, 1901, I. pp. 525-549; *Diario Oficial*, No. 10, 890.

468. **FRANCE** and **ITALY, in 1900.** (III.) News was received by the Abyssinian Mail in April, 1901, that the Franco-Italian Red Sea frontier had been settled by the JOINT COMMISSION appointed for that purpose. Provision was made for this delimitation by a *Protocol*, signed *January 24th, 1900*. The port of Assab was assigned to Italy.

References: *London Times*, February 14th, 1899, p. 5, July 15th, 1899, p. 7, January 25th, 1900, p. 5, April 9th, 1901, p. 3; *Herald of Peace*, May, 1901, p. 52.

469. **GREAT BRITAIN** and **TRANSVAAL, in 1889.** (II.) Among the events of interest during the year may be noticed the appointment of Colonel Martieu as British representative on the JOINT COMMISSION, appointed by the Transvaal and British Governments to consider and report on the internal affairs of Swaziland.

Reference: Hazell's Annual, 1890, p. 676.

470. FRANCE and SPAIN, in 1891. (III.) On January 5th, 1891, the first meeting of the French and Spanish delegates (i.e. JOINT COMMISSION), to delimitate the frontier between the Mourie and Benito Rivers (Gaboon) took place.

Reference: Hazell's Annual, 1892, p. 295.

471. TURKEY, in 1888. (IV.) The financial position of Turkey caused much embarrassment; urgent claims by foreign creditors, officials (whose pay was much in arrears), the Russian war indemnity, and overdue accounts demanding serious attention. A FINANCE COMMISSION was appointed by the Sultan, and protracted negotiations with the Ottoman Bank for a loan of £T.1,500,000 were carried on during the latter part of the year.

Reference: Hazell's Annual, 1889, p. 658.

TWENTIETH CENTURY.

In many of these latest instances official information is very meagre; the documents have not yet been published; and the student is more dependent on passing history, that is, necessarily, on the reports in the newspaper press.

I.—FORMAL ARBITRATIONS.

1. FRANCE and GREAT BRITAIN, in 1901. *Waima and "Sergent Malamine" Incidents.* At the end of 1893, a British force at Waima, in West Africa, was attacked by a French force under a misapprehension, and three commissioned officers, a sergeant-major, four privates, and two members of the Sierra Leone police were killed, and fifteen non-commissioned officers and men and two of the police were wounded. For these losses the British Government claimed an indemnity of £10,000, afterwards reduced to £8,000. Some years before a French vessel, the "Sergent Malamine," commanded by Lieut. Mizon, was seized and sunk by the British. For this the French claimed an indemnity of 125,267·80 francs. Both these claims were, by an *Arbitral Convention*, signed at Paris, April 3rd, 1901, and ratified July 17th, referred to ARBITRATION. Baron Lambert, Belgian Minister of State, was chosen Arbitrator, and by his *Awards*, given in triplicate at Brussels, July 15th, 1902, the sum of £9,000 was accorded to Great Britain in the Waima case, and £6,500 to France in that of the "Sergent Malamine."

References: Parl. Papers [Cd. 678] Treaty Series, No. 6 (1901), [Cd. 1,076] France, No. 1, 1902; London *Times*, August 6th, 1900, April 6th, 1901, July 21st, 1902, December 2nd, 1902, April 6th, 1902; London newspapers, August 3rd and 4th, 1900; *Advocate of Peace*, September, 1902, p. 168; *Herald of Peace*, January, 1901-June, 1903, *passim*.

2. BRAZIL and GREAT BRITAIN, in 1901. *The Guiana Boundary.* The dispute regarding the boundary between British Guiana and Brazil, which had been dragging on since 1842, and in connection with which the British proposal of Arbitration was accepted by the Brazilian Government on March 8th, 1899, was formally submitted to the ARBITRATION of the King of Italy, by Art. 1 of a *Convention*, signed at London, November 6th, and approved by the Brazilian Senate, December 27th, 1901. Sir Rennell Rodd, on behalf of the British Government, and Senhor Joaquin Nabuco, Special Envoy of Brazil, having presented

their respective cases to the King, his Majesty signed his *Award* at Rome, June 14th, 1904. The result was greatly in favour of Great Britain. The line fixed in the *Award* is said to have been the one proposed by Lord Salisbury in 1891, and rejected by Brazil.

References: Parl. Papers [Cd. 916] Treaty Series, No. 4, 1902; Brazilian Legation, London, September 5th, 1902; *Jornal do Commercio*, June, 1904; London Times, December 28th, 1901, February 28th, 1903 [Award], June 16th, 1904; *Herald of Peace*, April, 1899, pp. 196, 197, April and May, 1903, July, 1904, p. 240, etc.; Corresp. Bimens. (Berne), March 25th, 1903, p. 32, July 10th, 1904, p. 96; *Advocate of Peace*, December, 1901, p. 239.

3. GREAT BRITAIN and NICARAGUA, in 1901. *Company Concessions.* In December, 1901, an announcement appeared in the press that the Appellate Division of the Supreme Court of Nicaragua had sustained the decision of the Arbitrators, who decided that the English Company, which had obtained the concession to the exclusive steam navigation of the San Juan River and Lake Nicaragua, had forfeited its rights. We have not succeeded in tracing the Arbitral decision to which reference is made.

Reference: *Herald of Peace*, January, 1902, p. 176; *Advocate of Peace*, December, 1901, p. 239.

4. SALVADOR and UNITED STATES, in 1901. *Company Claims.* On December 19th, 1901, a *Protocol* was signed, submitting to ARBITRATION the claims of the Salvadorian Commercial Company for damages arising out of alleged appropriation of their concession of rights, by the Government of Salvador. The claim was for 500,000 dollars. The Arbitrators were, Chief Justice Sir Henry Strong, of Canada, appointed by King Edward VII. of Great Britain, Chief Justice David Castro, of Salvador, and the Hon. D. M. Dickinson, of Detroit. The Court held its sittings at Washington. The *Award*, given in May, 1902, was in favour of the American Company, and was made by a majority of the Arbitrators, the Salvadorian member of the Court, Dr. José Pacas, dissenting, whereupon he arose in court and denounced Sir Henry and Mr. Dickinson, the American member, "for treating him and his country with the grossest unfairness." Sir Henry, it is said, personally resented the attack. The incident shows the extreme undesirability of including citizens of either of the contending states in the composition of a Court to which their dispute is referred. A despatch from Washington, August 18th, 1903, stated that the claims of the Salvadorian Commercial Company against the Government of Salvador had been compromised. The Government of Salvador was not satisfied with the *Award* of the Arbitrators, and objected to pay the full amount, of 523,178 dollars, given to the Salvadorian Commercial Company, consequently the parties came to an agreement.

References: *Herald of Peace*, June, 1902, p. 240, October, 1903, p. 125; *Advocate of Peace*, January, 1902, p. 8, April, 1903, p. 62; September, 1903, p. 159; Corresp. Bimens. (Berne), June 25, 1902, p. 75.

5. MEXICO and UNITED STATES, in 1902. "*The Pious Fund of the Californias.*" This case was the first submitted to a Tribunal of the Permanent Arbitration Court at The Hague. It had been the subject of an Arbitral *Award*, given by Sir Edward Thornton, the Umpire chosen under the Convention of July 4th, 1868, on November 11th, 1875. The reference was now made by a *Protocol* of Agreement, which was done in duplicate, in English and Spanish, at Washington, May 22nd, 1902. The Arbitrators chosen were Lord Justice Sir Edward Fry and Professor de Martens (by the United States), and Professor Asser and Jonkheer de Savornin Lohman (by Mexico), and these selected Dr. Matzen, of Copenhagen, as Umpire. The Court was opened on September 15th, and its first meeting was held at The Hague, September 29th, 1902, and the *Award*, in favour of the United States, was given on October 14th, 1902. The Court decided that the claimants were entitled to a permanent annual payment of 43,050.99 dollars (£8,610); that as the *Award* was binding upon both parties, the arrears should be paid in full, and that the payment of the fixed amount should thereafter be made annually. The arrears amounted to 1,420,082.67 dollars (i.e., £284,016). The Court further decided that the payments should be made in Mexican currency; but the deprecia-

tion in the value of silver (which is the currency of Mexico) is such that the payment yields in United States dollars only half the amounts named.

References: *Les Fondations Californiennes*, etc., Plaidoirie de M. Descamps, Bruxelles, 1902; *Reclamaciones a Mexico por los Fondos de Californias*, por el Lic. Alejandro Villaseñor, México, 1902; *La Justice Internationale*, May 25th, 1903, pp. 18-48; *American Agents' Report*, etc., Washington, Government Printing Office, 1902; *Actes de la Conférence de la Paix*, *Recueil des Actes et Protocoles*, etc., Bureau Int. de la Cour Permanente d'Arbitrage, etc., La Haye, 1902; *Diplomatic Correspondence relative to the Pious Fund of the Californias*, Washington, 1902; Louis Renault, *Premier Litige devant la Cour*, etc., Alcan; *Journal des Débats*, November 26th, 1902; *Le Mémorial Diplomatique*, 18 Octobre, 1902, and 8 Mars, 1900; *La Revue de la Paix*, November 25th, 1902; *Corresp. Bimens.* (Berne), May 10th, 1902, p. 59, August 10th, p. 97, September 10th, p. 111, September 25th, p. 115, October 25th, 1902, p. 123; *Advocate of Peace*, November, 1902, pp. 197, 198.

6. GREAT BRITAIN and RUSSIA, in 1902. *Seizure of Property.* In a despatch from Peking, December 12th, 1900, report was made that the Russians had seized some land at Tientsin, belonging to the Tientsin-Peking Railway Company, and on March 15th, that they had placed sentries upon it, in order to prevent the British military authorities from constructing a siding. Correspondence followed, which included proposals by the British to refer the dispute to Count Waldersee, German Commander and General-in-Chief, or "to any Court which he may appoint." The situation became acute, but the military incident was satisfactorily closed without Count Waldersee's intervention, April 4th, 1901. On February 21st, 1901, a Ministerial statement, in the House of Commons, was made to the effect that a proposal for ARBITRATION had been made to Russia, and on April 29th, 1902, another, giving the information that the Russian Government had accepted the proposal. The question was referred to the British and Russian Consuls, with Mr. Detring, Director of the Imperial Maritime Customs at Tientsin, as third Arbitrator. His final *Award*, given at Tientsin, was wholly in favour of Great Britain. The bund, the station, the roads, and certain parcels of land were adjudicated to the Railway Company.

References: *Parl. Papers*, [Cd. 770] China, No. 7, 1901, pp. 41-127; *London Times*, February 22nd, 1902, April 30th, 1902, July 4th, 1902, April 30th, 1903, May 1st, 1903; July 3rd, 1903; *Herald of Peace*, June, 1902, p. 240, August, 1902, p. 273, January, 1903, p. 4, May, p. 52, June, p. 71, August, 1903, p. 96; *Daily News*, July 5th, 1902; *Hazell's Annual*, 1902, 105-107; *Annual Register*, 1902, p. 387; *Corresp. Bimens.* (Berne), July 25th, 1903, p. 79.

7. AUSTRIA and HUNGARY, in 1902. *Territorial Claims.* A dispute which had caused trouble for several centuries, between Galicia and Hungary, in regard to the possession of territory around Lake Meerauge, on the frontier, in the district of Upper Tatra was, in June, 1902, submitted to an ARBITRATION TRIBUNAL, which was composed of MM. le Chev. de Tchorzuicki, President of the Superior Court (Oberlandesgericht) at Lemberg, Lehozky, President of the Court of Appeal at Pressbourg, and presided over, as Umpire, by Dr. Jean Winkler, President of the Swiss Federal Tribunal, who was chosen by the other two Arbitrators. The Tribunal was constituted at Vienna in April, 1902. It held public sittings, for the examination of evidence, from August 21st to August 30th, 1902, at Grätz; made a local inspection, September 3rd and 4th; resumed its sittings at Grätz, September 10th, to receive expert and other evidence; and sat with closed doors from September 11th to September 13th, on which day its *Judgment* was reached. This was written and revised at Vienna, September 15th to September 17th, and communicated to the parties, the Austrian and Hungarian Governments, on September 18th, 1902. The *Award* was in favour of Galicia to which it adjudged the four districts in dispute with the exception of a few forests. The promptitude of the action of this court is commendable.

References: Dr. Winkler, communicated July 9th, 1904; *Herald of Peace*, July, 1902, p. 259, October, 1902, p. 297, and December, 1902, p. 322; *Corresp. Bimens.* (Berne), September 25th, 1902, p. 116; *Advocate of Peace*, November, 1902, p. 205.

8. FRANCE, GERMANY, and GREAT BRITAIN v. JAPAN, in 1902. *Leases Held in Perpetuity.* The levying of a house tax on the subjects of these

countries in Japan, the legality of which was questioned by the holders of perpetual leases, gave rise to a great controversy. The dispute involved the interpretation of the following: Par. 4, Art. 18, of the Treaty of April 4th 1896, between Japan and Germany; Par. 4, Art. 21 of the Revised Treaty of August 4th, 1896, between Japan and France; and Par. 4, Art. 18 of the Revised Treaty of July 16th, 1894, between Japan and Great Britain. By a simultaneous Protocol between Japan and each of the Powers, signed at *Tokio*, on *August 28th*, 1902, published September 26th, the question was submitted to a TRIBUNAL OF THE PERMANENT COURT OF THE HAGUE, to be composed of three members, one chosen by each party, and an Umpire by the other two, or the King of Sweden and Norway. The Arbitrators chosen were Count Montono, Professor Renault, and M. Gram, as Umpire, chosen by them. The proceedings before the Tribunal have been delayed by the war in the East, but its decision is expected in October, 1904.

References: Parl. Papers [Cd. 1810] Treaty Series, No. 16, 1903; *La Justice Internationale*, Aout, 1903, pp. 179-181; *Hazell's Annual*, 1903, p. 355; *Corresp. Bimens.* (Berne), October 25th, 1902, p. 123, November 10th, p. 130, April 10th, 1903, January 25th, 1904 p. 10, April 10th, p. 47, June 10th, p. 80; *Herald of Peace*, November, 1902, p. 309, December, 1902, p. 322, January, 1903, p. 4, June, 1903, p. 71, January, 1904, p. 164, March, 1904, p. 189, July, 1904, p. 240; *Advocate of Peace*, December, 1902, pp. 213, 214, 223.

9. **FRANCE and GUATEMALA, in 1902.** *Personal Claim.* On December 30th, 1902, Reuter's Agency reported from Paris that within the last month the Governments of France and Guatemala had agreed in principle to submit to THE HAGUE COURT OF ARBITRATION a claim brought against the latter by a French subject, who in 1896 and 1897 had carried out important works for Guatemala, and that negotiations were actively proceeding for the drafting and signature of the necessary Agreement. In March the Foreign Minister, M. Delcassé, announced in the Chamber of Deputies that France and Guatemala had agreed to refer the dispute to The Hague Court. Further proceedings have not yet been reported.

References: *London Daily News*, December 31st, 1902; *Herald of Peace*, February 1903, p. 21, April, 1903, p. 41; *Advocate of Peace*, March, 1903, p. 46, and April, 1903, p. 66; *Corresp. Bimens.* (Berne), February 25th, 1903, p. 21.

10. **GUATEMALA and ITALY, in 1903.** *Claims of Italian Subjects.* In April, 1902, it was announced that M. Emile Loubet, President of the French Republic, had been chosen by Italy and Guatemala as ARBITRATOR, in the difference which had arisen between them on the subject of the interests of certain Italian emigrants in South America. This is confirmed by the Italian Embassy in London, who state that the Award of the President has been given but there is only one copy of the Award extant in the archives of the Italian Foreign Office and, therefore, the information is not available.

References: *La Paix par le Droit*, Mai, 1902, p. 200; *Corresp. Bimens.* (Berne), June 25th, 1902, p. 75; *Herald of Peace*, July, 1902, p. 259; *Advocate of Peace*, August, 1902, p. 155; *Ambasciata d'Italia*, London, August 9th, 1904.

11. **FRANCE and VENEZUELA, in 1903.** *Indemnity for Losses.* This case of Arbitration dealt with the claims made by French subjects for losses sustained in Venezuela in consequence of the insurrection of 1892. By a Protocol, signed at Paris, February 19th, 1902, which re-established diplomatic relation between the two countries, these claims were submitted to a TRIBUNAL of two ARBITRATORS, who were to meet at Caracas, and an Umpire in case of difference. The Arbitrator appointed by France was M. Peretti della Rocca, and by Venezuela, M. Jésus Paul, while Señor Leon y Castillo, the Marquis del Muni, Spanish Ambassador to France, was appointed Umpire, to decide, if called upon, without appeal. The Arbitrators met as stipulated at Caracas, and the claims, which they were divided upon, were, at the close of 1903, submitted to the Umpire, who Awarded a round sum of a million bolivars.

References: *Journal Officiel*, May, 1902; *Le Temps*, December 17th, 1902; *La Justice Internationale*, December, 1903, p. 439; *Corresp. Bimens.* (Berne), November 10th, 1903, p. 126; *Herald of Peace*, June, 1902, p. 240, January, 1903, p. 4.

12. GREAT BRITAIN and PORTUGAL, in 1903. *The Barotzeland Boundary.* The Western boundary of the kingdom of Barotzeland in South Africa was, in March, 1903, referred to an Anglo-Portuguese Commission for delimitation, this Commission having the power to appeal to an Umpire "in the event of the British and Portuguese members being unable to agree," Admiral Hermenegildo Capello, Captain Ayres Onellas, of the Engineers, and Captain de Vasconcellas, of the Portuguese Navy, were appointed Portuguese Commissioners, and were charged to proceed to London, to meet the British members of the Commission. By the terms of a *Declaration*, which was signed in duplicate at London, August 12th, 1903, the King of Italy was appointed ARBITRATOR, and accepted the office. The Joint Commission, now consisting of four British and four Portuguese members, sitting in London, decided on the procedure to be adopted in the Arbitration. The cases were prepared and exchanged between the Governments in January, 1904; the drawing up of the counter cases was then proceeded with, and these, "the final memoranda of their respective Governments in the dispute," were presented by June 1st, 1904. Only the delivery of the Award now remains.

References: Reuter's Agency (in daily press), March, 1903; London Times, October 31st, 1903, June 2nd, 1904; Corresp. Bimens. (Berne), March 25th, 1903, p. 32, and November 10th, 1903, p. 126; Herald of Peace, April, 1903, p. 39; June, p. 71; September, p. 107; December, 1904, p. 150; April, p. 200, July, 1904, p. 240.

13. BOLIVIA and PERU, in 1903. *Question of Boundaries.* In November, 1900, a Treaty was signed, submitting to Arbitration all questions pending between these countries, but it was not ratified. By a Treaty, however, signed January 2nd, 1903, the Argentine Government was appointed as ARBITRATOR in the Boundary dispute. The fact was announced by President Romana in his speech at the opening of the Congress at Lima, July 28th, 1903. At the beginning of February, 1904, the Argentine Minister for Foreign Affairs received an official communication from the Government of Bolivia, announcing that President Roca had been named Arbitrator in the boundary question between Bolivia and Peru. The case is, therefore, pursuing the normal course.

References: Hazell's Annual, 1904, p. 582; London Times, December 27th, 1901; London Daily News, January 3rd, 1903; Herald of Peace, February, 1903, p. 16; September, 1903, p. 108; The South American Journal, February 6th, 1904, p. 126; Corresp. Bimens. (Berne), January 25th, 1902, p. 6; January 25th, 1903, p. 9; Advocate of Peace, December, 1901, p. 238.

14. SAN DOMINGO and UNITED STATES, in 1903. *Liquidation of Debt.* In January of this year the Dominican Government and the American firm of J. Sala & Co. agreed to submit to Arbitration the claim of that firm, amounting to 215,000 dollars, for payment of supplies furnished to the late President. The firm selected, as Arbitrator, Mr. Frederick Van Dyne, Assistant Solicitor in the United States Department; and the Government of San Domingo chose the Bolivian Minister at Washington. Further particulars are not known.

References: Herald of Peace, February, 1903, p. 16; Advocate of Peace, January, 1903, p. 11, June, 1903, p. 108.

15. AUSTRIA-HUNGARY and TURKEY, in 1903. *Non-execution of Contracts.* This was undertaken for the settlement of a number of questions outstanding since 1888. The case includes several monetary claims, the right to certain lands at Salonica, said to be wrongly appropriated by the Administration of the Sultan's Civil List, the building of harbours at Dede-Agatch and Salonica, which the Government undertook to carry out in three years, by its Convention with the railway company of May, 1872, and various other matters in that Convention which the Government has failed to execute. In consequence of the non-execution of these obligations the Company claimed about 70,000,000 francs, for losses sustained. A communication from Constantinople, January 9th, 1903, stated that, after over a year's efforts on the part of the Austro-Hungarian Embassy, the Sultan had sanctioned the "Compromis," i.e., the Arbitration Agreement, which had been arrived at between the Oriental Railway Company and the Turkish Government, for the submission of the points at issue between

them to the Arbitration of a MIXED TRIBUNAL. The *Award* was given at the beginning of December, 1903, when, among the questions settled, the claim of the Turkish Government for the termination of its Agreement with the Company was not entertained. The passage referring to this point in the telegram announcing the Award was suppressed by the Censor.

References : *Financial News*, January 18th, 1903, December 7th, 1903, p. 5 ; *Herald of Peace*, February, 1903, p. 16.

16. SAN DOMINGO and UNITED STATES, in 1903. *Company Claims.* A telegram from San Domingo, received at New York, *January 28th*, 1903, stated that the proposal of the American Minister to refer the disputed claims of the San Domingo Improvement Company of New York to INTERNATIONAL ARBITRATION, had been accepted. The claims amounted to about five million dollars. A despatch from Santo Domingo, dated November 28th, 1903, stated that Mr. Powell, the United States Charge d'Affaires, had refused to acknowledge the Provisional Government, and had objected to the withdrawal of the Arbitrators nominated by ex-President Wos y Gil to settle the claims of the Santo Domingo Improvement Company. Mr. Powell maintained that the Board of Arbitration, having been fully constituted according to the terms of the Protocol, must proceed with the case, and that its decision must be final.

References : *London Times*, January 29th, 1903, p. 4, and November 30th, 1903 ; *Herald of Peace*, February, 1903, p. 16 ; *Advocate of Peace*, March, 1903, p. 46, June, 1903, p. 108, January, 1904, p. 10 ; Corresp. Bimens. (Berne), April 10th, 1903, p. 39, May 10th, 1903, p. 49.

17. TURKEY and THE POWERS, in 1903. *Ottoman Public Debt.* The question of increasing the rate of interest on this debt was, by an Agreement between the Council of the Debt and the Turkish Government, in *February*, 1903, referred to an ARBITRATION COMMISSION of four, two on each side, with an Umpire, if necessary, to be chosen by them by lot. The case was heard before the Arbitrators, but their opinions were equally divided, and the matter had, therefore, to be referred to an UMPIRE for decision. Lord Alverstone, the Lord Chief Justice of England, was chosen, as provided, on *May 19th*, 1903, and intimated his readiness to accept the office. The documents in connection with the case were, on June 22nd, dispatched to London, to be communicated to Lord Alverstone, whose Award, given on July 23rd, 1903, was in favour of increasing the rate of interest by $\frac{1}{4}$ per cent.

References : *London Times*, February 20th, May 21st, July 24th, August 3rd, September 7th, September 14th, and September 18th, 1903 ; *London Daily News*, May 29th and June 26th, 1903 ; *Herald of Peace*, June, July, and August, 1903 ; Corresp. Bimens. (Berne), August 25th, 1903, p. 91.

18. GERMANY, GREAT BRITAIN, and ITALY v. VENEZUELA, in 1903. *Preferential Claims.* By Art. 5 of Identical Protocols between Venezuela and the three Powers engaged in the recent blockade and bombardment of her coasts (but to which, it was provided, other interested Powers might make themselves parties), it was agreed that the question of their preferential claims should be referred to a TRIBUNAL OF THE HAGUE COURT. These were signed at Washington, at midnight, on *February 13th*, 1903. They were followed by other Agreements, signed also at Washington, on *May 7th*, 1903, fixing the terms of the Reference, and agreeing that the Emperor of Russia should appoint the Tribunal from the members of the Permanent Court at The Hague. These Agreements actually constitute *three* distinct references, though treated as one ; in fact, more than three, as other interested Powers have made themselves parties. At first, owing to this circumstance, some difficulty was experienced in finding suitable Arbitrators, so many of the Powers being interested parties, and the Agreement providing : "None of the Arbitrators so appointed shall be a subject or citizen of any of the Signatory or Creditor Powers." Professor Matzen, of Copenhagen, who was selected by the Tsar, being a Danish subject, was, therefore, compelled to decline, inasmuch as Denmark was one of the interested parties. For the same reason Dr. Lardy, Swiss Minister in Paris, who was also chosen by the Tsar, was compelled to decline, Switzerland being also

interested. The Arbitrators ultimately appointed by the Tsar, and definitely adopted by the contending parties, were M. Muravieff, Professor Lammensch, and M. de Martens. The Arbitrators met at The Hague on October 1st, 1903. Their Award, given at The Hague, in the Permanent Court of Arbitration, on February 22nd, 1904, sustained the right of the three claimant Powers to preferential treatment for the payment of their claims against Venezuela.

References: Parl. Papers [Cd. 1899] Venezuela, No. 1, 1903, [Cd. 1538] Treaty Series No. 8, 1903 [Cd. 1949], Venezuela No. 1, 1904; *La Justice Internationale*, July, 1903, p. 101, etc., September, 1903, p. 239, etc., November, 1903, p. 349, December, 1903, p. 430, January, 1904, p. 1, etc.; *Herald of Peace*, June, 1903, to May, 1904, *passim*; *London Times*, December, 1902, to April, 1904, *passim*, and Press generally for that period; *Corresp. Bimens.* (Berne), June 10th, July 25th, August 25th, 1903, April 10th, 1904.

19. **ECUADOR and PERU, in 1904.** *Question of Boundary.* In March of the present year, 1904, it was announced that the Secretary for Foreign Affairs of Ecuador and the Peruvian Minister at Quito had signed a Treaty, submitting to the ARBITRATION of the King of Spain the question of the Napo River boundary between Ecuador and Peru. In this case, also, the particulars have not transpired.

References: Hon. C. M. Pepper at Mohonk Arbitration Conference, June 2nd, 1904; *Corresp. Bimens.* (Berne), April 25th, 1904, p. 55; *Advocate of Peace*, April, p. 68, and July, 1904, p. 131; *Herald of Peace*, July, 1904, p. 240.

20. **FRANCE and GREAT BRITAIN, in 1904.** *Alleged Misuse of the French Flag in Muscat.* In 1862 these two countries entered into Treaty engagements to preserve the independence of the Sultanate of Muscat. Of recent years, however, complaint has been made against France that she has allowed her flag and the protection of semi-citizenship to cover an illicit trade in arms and slaves. This is a matter which, as stated in the House of Commons, has caused considerable friction, and sometimes brought the two Powers within an ace of war. An important statement was made in the *London Times*, at the time of Lord Curzon's visit to the Persian Gulf, in December, 1903, to the effect that "the question of principle is to be referred to The Hague Tribunal." The Prime Minister replying to a question on the subject in the House of Commons on June 2nd, 1904, confirmed this statement, and added, "*that question had by common consent been referred to The Hague Tribunal for decision.*" The particulars have not yet transpired.

References: *London Times*, December 29th, 1903, and June 3rd, 1904; *Corresp. Bimens.* (Berne), July 10th, 1904, p. 97.

21. **COLOMBIA and PERU, in 1904.** *Boundary Question.* The notice has just appeared that Colombia and Peru have signed a Treaty submitting to the ARBITRATION of the King of Spain the question of the delimitation of their frontiers and establishing a *modus vivendi* in the disputed region. The particulars have not yet transpired.

References: *Corresp. Bimens.* (Berne), July 10th, 1904, p. 96; *Advocate of Peace*, July, 1904, p. 128; *Herald of Peace*, August, 1904, p. 252.

II.—ARBITRAL BOARDS AND COMMISSIONS.

22. **GREAT BRITAIN and ITALY, in 1901.** Outstanding differences between these two countries on the Eritrea and Sudan Frontier were referred to a MIXED COMMISSION, appointed by a *Convention*, signed April 16th, 1901. This Commission, composed of three representatives on each side, met in Rome, at the Consulta, on November 18th, 1901. On November 20th, 1901, they came to a general agreement in regard to the outstanding portions of the boundary, but as the existing maps were not sufficiently precise, they decided to request their respective Governments to authorise and appoint a Joint Commission for practical delimitation on the spot. On November 26th the Commission held two sittings, and finally completed their work by signing the Acts relating to it, which would be submitted to their Governments for ratification. A settlement was thus reached

of all questions pending, on the matter of the frontiers, and of customs, posts, and telegraphs. This settlement, as regards the frontiers, was amended by a Treaty between Great Britain and Italy, signed at Adis Ababa, May 15th, 1902, concerning which Signor Prinetti, the Italian Foreign Minister, stated in the Senate on June 18th, 1902, that "the recent Anglo-Italian Convention settled in a manner satisfactory to Italy the question of the frontiers towards the Egyptian Soudans and Ethiopia, and in such a way that the relation with the neighbouring countries has become more cordial."

References: Parl. Papers [Cd. 1370] Treaty Series No. 16, 1902; London *Times*, November 7th, November 21st, and November 27th, 1901, and June 19th, 1902; *Herald of Peace*, December, 1901, p. 162, July, 1902, p. 259.

23. CHINA and GREAT BRITAIN, in 1901. By Art. 9 of a Protocol, signed at Peking, September 7th, 1901, a Special Joint Commission was appointed to deal with certain commercial questions specified. The British members of this Commission were Sir James L. Mackay, a member of the India Council, with two Assistant Commissioners, Mr. H. Cockburn and Mr. C. J. Dudgeon, of Shanghai. The Chinese appointed as their representatives Sheng-Hsuan-Huai, Director-General of Telegraphs, assisted by two Maritime Customs Commissioners, Messrs. A. E. Hippisley and F. E. Taylor. One of their duties was to prepare a total of specific duties, to take the place of the 5 per cent. *ad valorem* tariff, which came in force after the signature of the Peace Protocol. The result of their labours was embodied in a Treaty which was signed at Shanghai, September 5th, 1902.

References: Annual Register, 1901, p. 359; London *Times*, September 20th, 1901, p. 7 and September 8th, 1902 (Text of Treaty).

24. RUSSIA and TURKEY, in 1902. A Reuter's telegram to the press in December, 1902, announced that "a TURCO-RUSSIAN COMMISSION had been formed to adjudicate on various Russian claims, comprising the indemnity to be paid for losses sustained by Russian subjects during the Russo-Turkish war, numerous pending legal matters, and other questions affecting their interests." Particulars of this appointment are not known beyond the fact that it was appointed and set to work. In replying to a Note of the Porte, dated July 12th, 1902, in which the Turkish Government refused to recognise the Russian claim for interest on account of the delay in the payment of the indemnity to Russian subjects for losses suffered by them during the Russo-Turkish war, the Russian Embassy, on February 19th, 1903, addressed a fresh Note to the Porte, maintaining its right to demand the payment of interest, *the amount of which it proposed should be determined by the Mixed Russo-Turkish Commission, "which is at present engaged in the settlement of numerous matters which have been for some time in dispute between the Embassy and the Porte."*

References: London *Times*, December, 1902, and February 23rd, 1903; *Herald of Peace*, January, 1903, p. 4.

25. AFGHANISTAN and PERSIA, in 1902. The SEISTAN ARBITRATION BOUNDARY COMMISSION was appointed at the end of 1902 (precise date unknown); for advices from Calcutta, dated January 26th, 1903, state that it had crossed the Afghan Boundary on the 23rd of that month. At the head of the Commission was Major MacMahon, who was deputed by the British Government. A Ministerial statement made by Lord George Hamilton, Secretary of State for India, in the British House of Commons, on March 3rd, was to the effect that, in accordance with Art. 6 of the Treaty of 1857, Major MacMahon, at the head of a Joint Commission, had just proceeded to the Seistan frontier to settle certain disputes which have arisen between the Afghans and Persians in regard to irrigation and boundary rights. It was reported, on February 18th, that Major MacMahon and the other members of the Commission had arrived at Jehan-Beg, and on the 12th previously had been joined by the Afghan Commissioner safely on the Helmand River. The work was said to have proceeded satisfactorily, but it had not been finished up to the close of 1903.

References: Hansard; Annual Register, 1903, p. 359; London *Times*, January 27th, p. 3, February 6th, 11th and 19th, March 4th, p. 6, August 31st, and September 15th, 1903; *Herald of Peace*, February, March, and April, 1903, May, 1904, p. 213.

26. AFGHANISTAN and GREAT BRITAIN, in 1903. The question of strained relations and of tribal quarrels which had been of constant occurrence for several years past, between the tribesmen on either side of the frontier, that is, between the Turis, in British territory, and the local Afghan tribes, was, early in 1903, referred to an **ANGLO-AFGHAN COMMISSION**, which met on the borders of the Kurram valley. The British representative on the Commission was Mr. John Stuart Donald, C.I.E., who was British Commissioner for the demarcation of the boundary in the Kurram district in 1894, and the Amir's representative was Sirdar Gul Mahomed, ex-Governor of Khost. The result of their labours has not transpired.

References : Annual Register, 1903, p. 360 ; *Herald of Peace*, April, 1903, p. 40.

27. GREAT BRITAIN and UNITED STATES, in 1903. Alaska Boundary. When the United States Government purchased, in the year 1867, the Russian rights in Alaska, the boundary line of the country sold was to follow the Treaty which Russia had concluded with Great Britain in 1825. But that Treaty used somewhat vague expressions as to boundary lines ; hence difficulty arose. By a Convention, signed January 30th, 1897, by Mr. Olney and Sir Julian Pauncefote, the question was referred to a Joint Commission of four members, who were to hold their sittings in London and Washington. It was, however, included in the matters to be discussed by the Anglo-American Commission, appointed in June, 1898, under the reference of May 30th, 1898. After long discussion, and with much difficulty, the Commissioners succeeded in reaching an Agreement to which all could subscribe, and were looking forward to a settlement of the boundary question, and of conflicting mining interests generally, in Alaska, when an Act passed by the British Columbia Legislature interfered. The two Governments, however, reached an Agreement of the nature of a *modus vivendi*, roughly defining, by certain landmarks, the boundary from the Klondike section to British Columbia. An Agreement of a similar kind was reached in October, 1899. In August, 1900, a further provisional delimitation by Messrs. King and Titman, the Canadian and United States Boundary Commissioners, was announced. On January 24th, 1903, a Convention was signed at Washington, appointing a MIXED COMMISSION, to "consist of six impartial jurists of repute," appointed jointly and equally by the parties. The first meeting of the Commission was held at the Foreign Office, London, on September 3rd, 1903. The British members were Lord Alverstone, Lord Chief Justice of England, Sir Louis Jette, K.C.M.G., and Mr. Allen Aylesworth, K.C., of Toronto (in place of Mr. Justice Armour, who died just before the opening of the Court). The United States representatives were the Hon. Elihu Root, the Hon. H. Cabot Lodge, and the Hon. George Turner. The Award, signed by a majority of the Commissioners, the Canadian members protesting, was given on October 20th, 1903, and was largely in favour of the United States, which created much dissatisfaction in Canada, although the Award was loyally accepted and obeyed. Although not a formal Arbitration, the judicial independence and ability of Lord Alverstone invested it with that character, and his judgment was accepted as final.

References : [Cd. 1400] United States, No. 1, 1903 ; [Cd. 1877] United States, No. 1, 1904 ; [Cd. 1878] United States, No. 2, 1904 ; Hazell's Annual, 1902, p. 697, 1903, pp. 763, 764 ; *Daily News*, February 19th, 1903 ; *London Times* ; *Herald of Peace*, February and December, 1903, and press generally ; *Corresp. Bimens. (Berne)*, November 10th, 1903, p. 125 ; *La Justice Internationale*, November, 1903, pp. 375-378 ; *The Law Times*, September 5th, 1903, p. 419.

POWERS and VENEZUELA.

The protocols, signed at Washington on February 13th and May 17th, 1903, between Venezuela and the three blockading Powers (Great Britain, Germany, and Italy) provided both for the reference of the preferential claims to a Hague Tribunal, and also for the appointment of Mixed Commissions at Caracas, for the examination and settlement of the respective claims. These Commissions were in each case to consist of two members, appointed by Venezuela and the opposing Power respectively, and a third, to act as Umpire, who should be

appointed as arranged in each. The creditors of Venezuela in addition to these three Powers were—the United States, France, Spain, Belgium, the Netherlands, Norway and Sweden, and Mexico. Mixed Commissions similarly composed were appointed in the case of each. The Agreements were then as follows :—

28. GREAT BRITAIN and VENEZUELA, in 1903. The Umpire under the *Protocol of May 7th, 1903*, was to be appointed by President Roosevelt, who selected Mr. Frank Plumley, Judge of the Court of Claims, Vermont. The Anglo-Venezuelan Mixed Commission held its first meeting at Caracas on June 12th, 1903. The amount of claims submitted to it was £500,000. Interesting *Awards* from the Umpire have been reported, one of the last reports being on May 30th, 1904.

References : Parl. Papers [Cd. 1538] Treaty Series, No. 8, 1903 ; *London Gazette*, May 29th, 1903 ; *London Times*, February 16th, May 9th, and May 30th, 1903, and later to May 31st, 1904 ; Newspaper press generally ; *Herald of Peace*, April to November, 1903, and January, February, March, and August, 1904.

29. GERMANY and VENEZUELA, in 1903. By identical *Protocols*, signed at *Washington, February 13th and May 7th, 1903*, the claims of Germany against Venezuela were referred to a similar MIXED COMMISSION. President Roosevelt appointed Dr. Fred. W. Holls as Umpire, and on his death, Mr. H. M. Duffield, of Detroit. The number of claims was reported as 79, and the Umpire *Awarded* to Germany a total of 1,673,527 marks (about £82,848) ; the claims refused and withdrawn amounted to 3,995,504 marks.

References : As above. Also, *Imperial Gazette*, May 11th, 1903 ; *La Justice Internationale*, September-October, 1903, pp. 255, 256 ; *London Times*, October 5th, p. 4, and October 12th, 1903, March 29th, 1904, etc.

30. ITALY and VENEZUELA, in 1903. Italy was the third blockading Power included in the *Joint Protocols* signed at *Washington, February 13th and May 7th, 1903*. A similar arrangement was, therefore, made, and a similar MIXED COMMISSION appointed. The same Umpire, Dr. F. W. Holls, was selected as for Germany, and, on his death, Mr. Jackson M. Ralston was appointed by the President, as third Arbitrator. Claims to the amount of £110,206 were admitted by Venezuela. *Awards* to the amount of £66,238 were made by the Mixed Commission, and claims to the amount of £1,296,419 were reserved for the decision of the Umpire, who by his final Award allowed £120,000 out of the amounts claimed.

References : As above. Also, *La Justice Internationale*, September-October, 1903, 253-272 ; *London Times*, March 29th and August 2nd, 1904, etc.

31. UNITED STATES and VENEZUELA, in 1903. This reference was made under a *Protocol*, signed at *Washington, February 17th, 1903*. The same provisions were made as to the MIXED COMMISSION, Queen Wilhelmina, of Holland, consenting to appoint the third Arbitrator. The Umpire, chosen by her, was Mr. Barge, Ex-Governor of Caracas (Curaçao). The United States claims against Venezuela amounted to 10,900,000 dollars (about £2,180,000). On November 10th 1903, Dr. Paul, Assistant-Counsel for Venezuela, informed the Court at The Hague that the United States had been awarded, up to that date, £68,000, and that claims to the amount of £880,000 had not yet been adjudicated upon.

References : See above. Also, *London Times*, February 18th, September 22nd and November 11th, 1903 ; *Memorial Diplomatique* (Paris), April, 1903 ; *Corresp. Bimens.* (Berne), April 10th, p. 89, and May 25th, 1903, p. 55, etc.

32. FRANCE and VENEZUELA, in 1903. The claims of France against Venezuela were, by a *Protocol*, signed in *Washington, February 27th, 1903*, referred to a similar MIXED COMMISSION, which was, like the others, to meet at Caracas, on June 1st. The Queen of Holland was invited to appoint the third Member of the Commission, or Umpire. She appointed M. Filz, formerly President of the High Court of the Dutch East Indies. Dr. Paul reported to The Hague Court, on November 10th, 1903, that £108,000 out of £720,000 claimed

had been awarded by the Mixed Commission, the remaining claims, amounting to a further total of over a million and a quarter sterling, having yet to be examined. The task has since been completed.

References: See above. Also, *Journal Officiel*, May 12th, 1903; *London Times*, May 14th, p. 5, July 3rd, p. 5, and November 18th, 1903, p. 3; *Corresp. Bimens.* (Berne), May 25th, 1903, p. 58.

33. **SPAIN and VENEZUELA, in 1903.** In *March*, 1903, a similar MIXED COMMISSION was appointed to sit at Caracas. The Umpire was appointed by Mexico. The total amount of the claims was 600,000 dollars (£120,000), and it was reported, in February, 1904, that its work had been completed.

References: See above. Also, *Advocate of Peace*, April, 1903, p. 68; *London Times and Daily News*, September 22nd, 1903; *Herald of Peace*, October, 1903, p. 125, March, 1904, p. 189.

34. **BELGIUM and VENEZUELA, in 1903.** The reference in this case was made by a *Protocol*, signed at *Washington, March 7th*, 1903. A similar MIXED COMMISSION was instituted. The Queen of Holland, who was requested to nominate the third Arbitrator, appointed Mr. Filz, as for the Franco-Venezuelan Commission. The claims amounted to a total of 3,093,800 dollars or £618,760. On September 11th, 1903, the Umpire awarded a sum of £400,000 to the Belgian Waterworks.

References: See above. Also, *La Justice Internationale*, September-October, 1903, pp. 251-253; *Corresp. Bimens.* (Berne), May 25th, 1903, p. 55; *London Times and Daily News*, September 22nd, 1903; *Herald of Peace*, October, 1903, p. 125, etc., *Advocate of Peace*, October, 1903, p. 176.

35. **NETHERLANDS and VENEZUELA, in 1903.** On *February 28th*, 1903, at *Washington*, Baron Govers and Mr. Bowen signed the Netherlands Protocol in regard to Venezuela, referring the question of claims to a MIXED COMMISSION, as in the other instances, President Roosevelt to name the Umpire. He appointed Mr. Frank Plumley, as in the case of Great Britain. The Dutch claims amounted to £209,690. On January 22nd, 1904, Baron Melvil van Lynden, Foreign Minister, stated in the States-General that fifty claims had been presented, amounting to 5,242,519 bolivars, that claims amounting to 397,554 bolivars had been admitted, besides a number of private claims amounting to 146,747 bolivars, while two claims, amounting to 4,172,967 bolivars, had been settled by private agreement.

References: See above. Also, *London Daily News*, February 29th and September 22nd, 1903; *Times*, September 22nd, 1903; *Herald of Peace*, October, 1903, p. 123, February, p. 176, and August, 1904, p. 253.

36. **SWEDEN AND NORWAY and VENEZUELA, in 1903.** Reference was made in this case also, precise date unknown, to a MIXED COMMISSION, to meet at Caracas. The King of Spain, who was requested to appoint the third Arbitrator, nominated Señor R. Gaytar de Ayala, the Spanish Envoy at Caracas. The total amount of claim was £40,000, and in February, 1904, it was reported that the work was completed.

References: See above. Also, *London Times and Daily News*, September 22nd, 1903; *Corresp. Bimens.* (Berne), May 25th, 1903, p. 55; *Herald of Peace*, October, 1903, p. 25, March, 1904, p. 189.

37. **MEXICO and VENEZUELA, in 1903.** A MIXED COMMISSION was, also appointed in this instance, the precise date of reference being unknown. Señor R. Gaytar de Ayala was appointed by the King of Spain Umpire of this, Commission. The claim of Mexico, on behalf of the house of Martinez del Rio was for 570,000 dollars (£114,000) and the Umpire, October 6th, 1903, awarded 510,000 dollars out of this sum. So fierce were the attacks made upon him in the local press, in consequence of his Award, that Señor de Ayala handed over the Legation to the Secretary, and left Caracas.

References: See above. Also, *London Times*, September 22nd and October 12th, 1903; *Daily News*, September 22nd, 1903; *Corresp. Bimens.* (Berne), November 25th, 1903, p. 184; *Herald of Peace*, October, p. 125, November 1903, p. 135, January, p. 164, and March, 1904, p. 189. *Advocate of Peace*, October, 1903, p. 176.

38. **BULGARIA and TURKEY, in 1904.** By Art. 5 of the *Turco-Bulgarian Agreement*, signed at *Sofia, April 8th, 1904*, a MIXED COMMISSION was established to settle questions pending between the two countries. This Commission was to begin its work at once.

References; *London Times*, April 11th, 1904; *Herald of Peace*, May, 1904, p. 213.

39. **FRANCE and GREAT BRITAIN, in 1904.** Art. 3 of the *Convention*, signed at *London, April 8th, 1904*, provided that "a pecuniary indemnity shall be awarded to the French citizens engaged in fishing, or the preparation of fish on the 'Treaty shore,' for the loss of their establishments or occupation," and that "claims for indemnity shall be submitted to an ARBITRAL TRIBUNAL, composed of an officer of each nation, and in the event of disagreement, of an Umpire, appointed in accordance with the procedure laid down by Art. 32 of The Hague Convention."

References: *Parl. Papers* [Cd. 1952] France, No. 1 (1904), p. 21.

40. **FRANCE and GREAT BRITAIN, in 1904.** By Art. 3 of a *Declaration*, signed at *Paris, April 8th, 1904*, "the two Governments agree to draw up in concert an Agreement, which, without involving any modification of the political *status quo*, shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides. They agree to appoint a COMMISSION to settle the disputes of their respective nationals on the said islands with regard to landed property. The competency of this Commission and its rules of procedure shall form the subject of a preliminary Agreement between the two Governments."

References: *Parl. Papers* [Cd. 1952] France, No. 1 (1904), p. 27.

III.—DELIMITATION COMMISSIONS.

41. **CONGO FREE STATE and PORTUGAL, in 1901.** The delimitation of the boundary between the Portuguese Congo and the territory of the Congo Free State was referred to a Joint Commission, the Portuguese members of which left Lisbon in May, 1901, to join the Free State Commissioners who started from Antwerp.

Reference: *Herald of Peace*, May, 1901, p. 52.

42. **CONGO FREE STATE and GERMANY, in 1901.** A Joint Commission was also appointed this year (exact date unascertainable) to survey the territory in dispute between Germany and the Congo Free State in the region of Lake Kivu. This Commission, in October, 1902, forwarded a map to Europe, embodying its labours up to date, and including the district north of Tanganyika. It expected to complete the entire work in about six months, after which a Conference would be held, composed of representatives of Belgium and Germany, to settle the delimitation of the respective frontiers. The literary organ of the Belgian army stated, in February, 1904, that the delimitation had been completed three months previously by the Belgo-German Commission appointed for the purpose. In April last it was announced that, following this, Germany and the Congo Free State were about to settle the frontier by the proposed Conference.

References: *Herald of Peace*, September, 1902, p. 285, March, 1904, p. 188, May, 1904, p. 215; *Belgique Militaire*, February, 1904; *Mouvement Géographique*, April, 1904.

43. **FRANCE and GREAT BRITAIN, in 1901.** An Agreement was come to, in *November, 1901*, for the appointment of a JOINT COMMISSION to delimit the frontier between the French Colony of the Ivory Coast in West Africa and the British Colony of the Gold Coast, as far as the ninth parallel. M. Maurice Delafosse, the Deputy Administrator of the Colonies, was appointed chief of the

French section, his colleagues being Captain Bouvet and Lieutenant Laforge, and Captain W. A. E. G. Watherston, R.E., of the English. The work was concluded, and Captain (now Major) Watherston landed at Plymouth on his return, June 21st, 1902. He had left the Commission at Bontuku, having to return on account of survey work, leaving Captain des Vœux and Captain Soden, Assistant Commissioners, who, with the French Commissioners were then going further North; to map the country. The actual delimitation was to the 9th parallel, as far as the Black Volta, but the survey was completed to the 11th parallel.

References: *Journal des Débats*, November, 1901; *London Daily News*, July 25th, 1902; *Herald of Peace*, December, 1901, p. 162, July, 1902, p. 259, November, 1908, p. 184.

44. GERMANY and GREAT BRITAIN, in 1901. As the result of Conferences held in Berlin between a Special British Commissioner and Representatives of the Colonial Department of the German Foreign Office, during the winter of 1900, and, as previously fixed by Clause 5 of the Convention of November 14th, 1899, between these two countries for the settlement of the Samoan and other questions, a MIXED COMMISSION was appointed to fix the frontier line between the Gold Coast and the Hinterland of Togoland, in West Africa. According to Clause 5 of this Agreement, the boundary between the British and German territories in the Salaga District should be formed by the River Daka up to its intersection with the 9th degree of north latitude. But the exact course of this river, and especially the point where it crosses the 9th degree had still to be determined. The Agreement as to the composition and powers of this Joint Commission was reached in *August (exact date unknown)*, 1901, and the Commission, whose English members were Captain Johnston, Lieutenant Turner, Dr. Hood, and two non-commissioned officers, commenced its work early in October, 1901, and reached Pabia, March 15th, 1902. After eight months' work it concluded its labours, "which were conducted with the utmost cordiality on both sides." The Commissioners returned to Liverpool in September, 1902.

References: *Parl. Papers [Cd. 38] Treaty Series, No. 7, 1900; [Cd. 788-27] Colonial Reports, Annual No. 857, Report for 1901; Statesman's Year Book, 1900, p. 621; Herald of Peace, July, 1901, p. 86, September, 1901, p. 109, October, 1902, p. 297, December, 1902, p. 322.*

45. GREAT BRITAIN and TURKEY, in 1901. The demarcation of the Aден-Yemen Boundary—a question of the Hinterland in that region—on the proposal of the Porte was referred, in *November, 1901*, to a JOINT COMMISSION which pursued its task amidst great difficulties and interruptions, with varying rates of progress, and amidst occasional skirmishes. On November 23rd, 1902, the *Times* reported that as the result of an Imperial Trade the Ottoman troops had been withdrawn from the disputed territory pending the decision of the Delimitation Commission. On March 12th it stated that the Sultan was particularly desirous that the borders of Yemen should not be definitely traced, and that it was believed that deliberate procrastination had followed in consequence, but that the English had collected troops on the border and had intimated that unless the Turks promptly fulfilled their engagement they would settle the boundary line alone, without co-operation, and then maintain it by force. At length, on June 20th, 1904, the *Times* announced that the Commission had completed its work to the Red Sea, and that the members of the Commission were at Perim, with the exception of Colonel Wahab, who has sailed for home.

References: *London Times*, November, 1901, to June, 1904, *passim*; *Herald of Peace*, December, 1901, to July, 1904, *passim*.

46. FRANCE and MOROCCO, in 1901. In 1901 efforts were made by the Sultan of Morocco's envoy at Paris to get the boundary between the Algerian Hinterland and Morocco defined, but without immediate success. It was, however, announced (July 31st) that a friendly understanding had been come to between them and the French Foreign Office, for the application to the region in question of the principles of the Treaty of March 18th, 1845. "The members of the Moorish Commission for the delimitation of the frontier between Morocco and Algeria arrived at Tangier, November 26th, 1901, on board the 'Bashir'

from Mazagan, *en route* to the scene of their labours." The result of these we do not know, but presumably they were successful, for in October, 1902, an amicable Agreement was come to, France retaining the districts occupied by her.

References : Hertslet, *Map of Africa*, etc., II. 803-806 ; *Hazell's Annual*, 1902, pp. 460, 461, 1903, p. 45 ; *London Times*, November 27th, 1901 ; *Herald of Peace*, December, 1901, p. 162.

47. **FRANCE and GREAT BRITAIN, in 1902.** According to Treaty between the two countries, the short length of boundary between Sierra Leone and the French possessions in the north-east corner of the Panguma district follows an existing road, running East from Tembukundo till the valley of the Ouldafu is met with, the Ouldafu river then becoming the boundary till cut by the 13th meridian west of Paris. This short distance had not been previously delimited, but early in 1903 the Anglo-Liberian Boundary Commission, which left England in December, 1902, found a small Joint Commission, consisting of two local officials, Captain Birch representing Great Britain and M. Lescure representing France, at work on the task of its delimitation.

References : *London Times*, June 8th, 1903, p. 10 ; *Herald of Peace*, July, 1903, p. 85 ; Hertslet, *Map of Africa*, etc., III. 1052.

48. **ABYSSINIA (Ethiopia) and GREAT BRITAIN, in 1902.** A Treaty for the delimitation of the boundary between the British Soudan Territory and Abyssinia was signed at *Adis Ababa*, May 15th, 1902. By Art. 2 of this Treaty a Joint Boundary Commission was appointed to delimit and mark the boundary on the ground, the notification of the appointment to be made to their subjects by the two High Contracting Parties after delimitation. The English members of this Commission, under Mr. Archibald E. Butter, left England in August, 1902, and the Abyssinian capital in November. On August 5th, 1903, he reached home again, after completing the work entrusted to the Commission.

References : *Parl. Papers* [Cd. 1870] Treaty Series, No. 16, 1902, p. 3 ; *Herald of Peace*, February, 1902, p. 189, January, 1903, p. 4, July, 1903, p. 84, August, 1903, p. 95, September, 1903, p. 108 ; *London Morning Post*, August 6th, 1903.

49. **ABYSSINIA (Ethiopia) and ITALY, in 1902.** By Art. 1 of an Annex to the above Treaty of May 15th, 1902, it was also agreed that "the line from the junction of the Setit and Maiteb to the junction of the Mareb and Mai Ambessa shall be delimited by *Italian* and *Ethiopian* delegates, so that the Canama tribe belong to Eritrea."

Reference : *Parl. Papers* [Cd. 1870] Treaty Series, No. 16, 1902, p. 5.

50. **GREAT BRITAIN and LIBERIA, in 1902.** The delimitation of the boundary between Sierra Leone and Liberia was, in December, 1902, entrusted to a JOINT COMMISSION, consisting of Captain Pearson, R.E., Lieutenant Cox, R.E., a doctor, and two non-commissioned officers for Great Britain, and Mr. J. McCarthy and a doctor for Liberia, together with the Hon. David Williams, sent by the Liberian Government to represent the Republic, who joined the Commission at Bariwalla. The Commissioners left Liverpool on December 20th, 1902, on board the same steamer, the Elder Dempster liner, "Sekondi," and Freetown, January 8th, 1903, the British section reaching Tembukundo ("the source of the Niger"), where their work began, on the 24th. The reports received of the experience of the Commission, which finished its work, and reached the coast, by the middle of June, showed that its progress was through absolutely untraversed country, necessitating roads being cut in the dense bush, and that it was an exceedingly difficult and tedious operation.

References : These particulars have been verified by the Hon. H. W. Travis, Secretary of State for Liberia (August 9th, 1904). *London Times*, December 22nd, 1902, p. 7, June 8th, 1903, p. 10 ; *Annual Register*, 1902, p. 422 ; *Statesman's Year Book*, 1903, p. 863 ; *Herald of Peace*, January, 1903, p. 4, July, 1903, p. 85.

51. **GERMANY and GREAT BRITAIN, in 1902.** The work of delimitating the British and German Boundaries in Uganda, to the West of Lake Victoria, was, in March, 1902, submitted to a Joint Commission, which left Europe in July, 1902. The two British Commissioners were Major C. Delme Radcliffe

and Major R. G. T. Bright, C.M.G., who was second in command of the two Anglo-Abyssinian expeditions under Major H. H. Austin. The Commissioners reached Mombasa in August, where they were to meet the German Commissioners. It was anticipated that the work of delimitation would occupy about eight months. It was not, however, until April, 1904, that news arrived that the delimitation was practically complete, and that Colonel Delmé Radcliffe, the British Commissioner, was returning home.

References: *London Times*, July, 1902; *Herald of Peace*, April, 1902, p. 213, August, 1902, p. 278, September, 1902, p. 285, April, 1904, p. 200, May, 1904, p. 212, July, 1904, p. 241.

52. **ARGENTINE and CHILI, in 1902.** The actual demarcation of the boundary between the two Republics was, by the terms of a *Protocol*, signed *May 27th*, 1902, in anticipation of the Award of King Edward VII. in the Arbitration then pending, referred to a MIXED COMMISSION, composed of M. Bertrand, the Chilean technical expert, and others, under the supervision of Colonel Sir Thomas Holdich, the British Commissioner in that Arbitration. M. Bertrand left England on November 27th, 1902, and Sir T. Holdich on the 5th of the following month. He was accompanied by three officers of the Royal Engineers, Captains Robertson, Thompson and Crosthwait, together with Captain Dickson of the Royal Artillery, and Lieutenant Holdich, of the Indian Staff Corps. The Boundary was divided into four sections, the work on each being under the supervision of one of the officers mentioned. Work on all sections proceeded simultaneously, and so was carried through quickly. A statue of Christ, unveiled March 13th, 1904, stands on a pinnacle of the Andes mountains, 14,000 feet above the sea, and on the very boundary line, to commemorate the demarcation.

References: *London Times*, July 26th, 1902; *Herald of Peace*, June 2nd, 1902, p. 240, January, 1903, p. 5; *Boston Herald*, June 26th, 1904; *Advocate of Peace*, July, 1904, pp. 181, 182; *The Lend a Hand Record* (Boston), July, 1904, p. 11.

53. **FRANCE and TURKEY, in 1902.** An interesting and authoritative article in the *Times*, which, however, gives no intimation of the date of the occurrence, states that the relations of these two Powers on the borders of Tripoli, had become exceedingly strained, and for some months their troops "faced each other at the frontier. At length," it says, *May 10th*, 1902, "a Joint Commission was appointed to delimitate the frontiers, and the incident ended . . . and the French troops were gradually withdrawn."

Reference: *London Times*, *May 10th*, 1902.

54. **GERMANY and GREAT BRITAIN, in 1903.** In *January*, 1903, the British and German Governments despatched to West Africa a MIXED COMMISSION to demarcate the boundaries between their territories south of Lake Tchad, as laid down by Arts. 1 and 2 of the Anglo-German Agreement which was signed at Berlin, on November 15th, 1893. The British Commissioner, Lieutenant-Colonel Louis C. Jackson, R.E., the German Commissioner, Captain Glauning, and their respective staffs, left England on the "Oron" on January 17th, 1903, the German members proceeding thither for that purpose. It was anticipated that the work would occupy from a year to eighteen months. The British members of the Commission reached Ibi on the Binue on March 10th, 1903 from Lokoja, and Yolu on April 4th. In June, 1904, full details of the work in which the Commission had been engaged for eighteen months, and which was then concluded, were received and published.

References: *Parl. Papers, Treaty Series*, No. 17, 1893; *Diplomatic and Consular Reports*, Germany, No. 2983, May, 1903; [Cd. 1768-14] *Colonial Reports, Annual No. 409*, North Nigeria Report for 1902; Hertalet, *Map of Africa, etc.*, II., 658-661; *London Times*, January 17th, 1903, p. 7, February 23rd, 1903; *Daily News*, May 28th, August 24th, 1903; *Herald of Peace*, February, March, May, July, and September, 1903, January and July, 1904.

55. **BELUCHISTAN and PERSIA, in 1903.** The Secretary of State for India, replying in the House of Commons on *March 3rd*, 1903, to a question respecting the Seistan Boundary Commission, stated that Major MacMahon, who had been dispatched by the British Government at the head of that Commission,

"had also been instructed to take the opportunity of demarcating in conjunction with a Persian COMMISSION a portion of the Perso-Beluch frontier, which was settled, but not actually demarcated, by a Joint Anglo-Persian Commission in 1896, but regarding which some misunderstanding has recently arisen."

References : Hansard ; Hazell's Annual, 1897, p. 41 ; London Times, March 4th, 1903 ; Herald of Peace, April, 1903, p. 40.

56. **CHINA and GREAT BRITAIN, in 1903.** *The Tibet - Sikkim Boundary.* A Ministerial statement in the House of Commons, in August, 1903, by Lord G. Hamilton, Secretary of State for India, stated that "on June 3rd last the Viceroy of India, under instructions from His Majesty's Government, had informed the Chinese Government that Colonel Younghusband, C.I.E., had been appointed British Representative on the Tibet-Sikkim Commission for the settlement of frontier questions. The Chinese Government had previously appointed Mr. Parr, of Ya-tung and Ho-Kwang-shi, on the staff of the Imperial Chinese Resident at Lhasa, as Chinese Commissioners. These appointments were in pursuance of a Convention, signed at Calcutta, March 17th, 1890." It is true that the boundary in question was described in Art. 1 of that Convention, but demarcation was not at all provided for in the Treaty of 1890. It was first formally proposed by a letter of the Viceroy of India, dated August 9th, 1894, to the Chinese Resident at Lhasa, and on May 18th, 1895, Chinese delegates joined Mr. J. C. White, the English delegate, at the Jeylap La, and proceeded to the marking of the boundary. They desisted, however, because of the suspicions of the Tibetan Lamas. On May 7th, 1903, the Viceroy of India telegraphed to the Secretary of State of India that he was appointing Major Younghusband, Resident at Indore, as British Commissioner, with Mr. J. C. White, Political Officer at Sikkim, as Joint Commissioner. The Chinese delegates already accredited by Amban Yu, were Mr. Ho and Captain Parr, April 16th, 1903. Exception was taken to these as not being of sufficiently high rank, and others were appointed, Lo Pu Tsang, a Secretary of State, and Wang Chu Chieh Pu, a Military Commandant, to negotiate in company with the Chinese Commissioners. Meanwhile Mr. White proceeded to Kanpa with 200 men, while Colonel Younghusband followed with 300 more, and, practically, the "Peaceful Mission" for the settlement of the frontier, resolved itself into an armed invasion of Tibet, the British army marching, as originally intimated, to Lhasa.

References : Parl. Papers [Cd. 7312] Treaty Series, No. 11, 1894 ; Cd. [1920] East India (Tibet), 1904.

57. **AFGHANISTAN and GREAT BRITAIN, in 1904.** The delimitation of that portion of the Indo-Afghan boundary which adjoins the Mohmand Country, was, at the beginning of the year, according to advices received at Peshawar from Kabul, dated January 26th, 1904, referred to a JOINT COMMISSION, the Afghan members of which were chosen by the Ameer's Council at that date. The work entrusted to the Commission had reference to a portion of the boundary fixed by the Durand Agreement in 1893, but not carried out at the time, owing to the unsettled condition of the country. The chief British Member of the Commission was Major Roos Keppel, political officer in the Khaibar. Among the members of the Afghan section, it was said, were Sayad Ahmad Shah, General Bahawal Khan, and Malik Khwas Khan. This section was to be under the general supervision of the Governor of Jalalabad, who had the provisioning of the Commission with its escort of from 2,000 to 3,000 men. The results of its labours have not yet transpired.

References : Parl. Papers [C. 8087] 1896 ; London Times, February 28rd, 1904, p. 3 ; Daily News, February 23rd, 1904 ; Herald of Peace, March, 1904, pp. 188, 189, and April, 1904, p. 200.

58. **FRANCE and SIAM, in 1904.** By a Treaty, signed at Paris, February 13th, 1904, the delimitation of the frontiers was agreed upon, and it was provided that a MIXED COMMISSION should be appointed for that purpose. Clause 3 of the Treaty, however, provided that before this appointment was made, the two Governments would agree on the chief points of this delimitation, and, in

particular, on the point where the boundary line ran into the sea. This agreement has been arrived at, and the terms were officially announced in the Chamber by M. Delcassé on July 1st, 1904. Presumably, therefore, the reference will now be proceeded with.

Reference: *London Times*, February 16th, 1904, p. 6, and July 2nd, 1904.

59. GREAT BRITAIN and PORTUGAL, in 1904. A JOINT COMMISSION has been sent out by the British and Portuguese Governments to delimit the boundary between South and North-Eastern Rhodesia and Portuguese East Africa. The British Representatives, Major O'Shee, R.E., and Lieutenant Cox, R.E., left England, in March last, and were reported to have arrived at Chinde (Zambesia), on March 16th. From thence they were to proceed to Tete where the Portuguese officers would join them. The Commission has been sent out to complete the delimitation of the boundary between the Portuguese territory and that of the British South Africa Company, which was begun some years ago by Colonel Levenson on the broad lines laid down by the Treaty of 1890. The work is expected to occupy about two years, and with its completion practically the whole of the eastern boundaries of Rhodesia will have been fixed.

References: Hertslet, *Map of Africa*, etc., II. 715-727; *Herald of Peace*, April, 1904, pp. 200, 201, and May, pp. 212, 218.

60. GERMANY and GREAT BRITAIN, in 1904. The delimitation of the boundary between German East Africa and Uganda and British East Africa—i.e. on the eastern side of Lake Victoria—was committed to a Joint Commission, towards the expenses of which 70,000 marks (£3,500) was voted in the German Reichstag on March 16th, 1904. Colonel G. E. Smith, R.E., was appointed Chief British Commissioner; and Major R. G. T. Bright, the Assistant Commissioner, together with Lieutenant Behrens, who went out with the Boundary Commission in July, 1902, on the completion of its work on the western side of Lake Victoria, proceeded to join Colonel Smith on the spot. The Commission is now at work. Much of the boundary to be fixed is in quite unknown country, which in portions is without water. It is hoped that the Commission will be back in Europe by the end of the year.

References: *London Times*, March 30th, 1904; *Herald of Peace*, April, 1904, p. 200, May, 1904, p. 212.

IV.—NATIONAL ARBITRATIONS AND COMMISSIONS.

61. GREAT BRITAIN and NEWFOUNDLAND, in 1902. *Construction Contracts.* This Arbitration was strictly domestic. It took place between the Government of Newfoundland and the Reid Newfoundland Company of St. Johns, and dealt with claims for stations, piers, and wharves, fences and snow-fences constructed, and for additional rolling stock, equipment and accommodations furnished by the claimant company. By a *Deed of Submission*, dated June 19th, 1902, and made between the parties, it was "referred to three ARBITRATORS, one each to be named by the parties, and the third by the Supreme Court or a judge thereof, and in the event of their disagreement, to any two of them." The Arbitrators appointed were Charles Currie Gregory, by the Company, the Hon. Alfred Lyttelton, by the Government, and Peter Suther Archibald, by a judge of the Supreme Court. The Court opened at St. Johns, on September 1st, and the *Award* was given on October 7th, 1902, and adjudged 894,130 dollars to the claimant Company with the completion by it of certain unfinished works and the cancelling of the Agreement of June 19th, 1902, for referring the claim of the Government against the claimant.

References: *Award in the Daily News*, St. Johns, Newfoundland, October 9th, 1902; *London Times*, September 2nd, 1902, October 9th, 1902; *Corresp. Bimens.* (Berne), January 25th, 1903, p. 9; *Herald of Peace* (1901-1902), pp. 285, 297, 308, 322; *Advocate of Peace*, December, 1902, p. 224.

62. **GREAT BRITAIN and INDIA, in 1903.** *British Soldiers' Pay.* This also was strictly a Domestic Arbitration. A question of the increase of pay of the British soldier in India, and the proportion of the cost which should fall upon India, had arisen between the Secretary of State for India, the Government of India, and the War Office. By letters from the India Office, of February 20th, 1903, and the War Office, of March 5th, 1903, Lord Alverstone, the Lord Chief Justice of England, was invited to act as ARBITRATOR. He consented, and on April 3rd, 1903, the respective cases were submitted to his Lordship, who, on May 4th, 1903, gave his *Award* that the whole additional pay issued in India shall be borne by the revenues of India.

References: Parl. Papers No. 287, East India (liability for increase in British Soldiers' pay), issued by India Office, July 2nd, 1903, and ordered to be printed, July 6th, 1903.

63. **FRANCE and VENEZUELA, in 1903.** A Commission was appointed in November, 1903, at the Ministry for Foreign Affairs, in Paris, to distribute the sum of 1,000,000 bolivars awarded by Señor Leon y Castillo, the final Arbitrator appointed under the Convention, signed at Paris, February 19th, 1902, to the French sufferers by the insurrection in Venezuela of 1892. The members of this Commission were the following:—MM. Louis Renault (President), Michel Tardit, Toutain, E. Martin, and Lenepveu, Boussaroque de Lafont, with M. de Peretti della Rocca, as rapporteur, and M. Henry Quievreux, as secretary. The Commission was to hold its meetings at the Ministry for Foreign Affairs, Paris. No report of its proceedings has yet reached us.

Reference: La Justice Internationale, December, 1903, p. 439.



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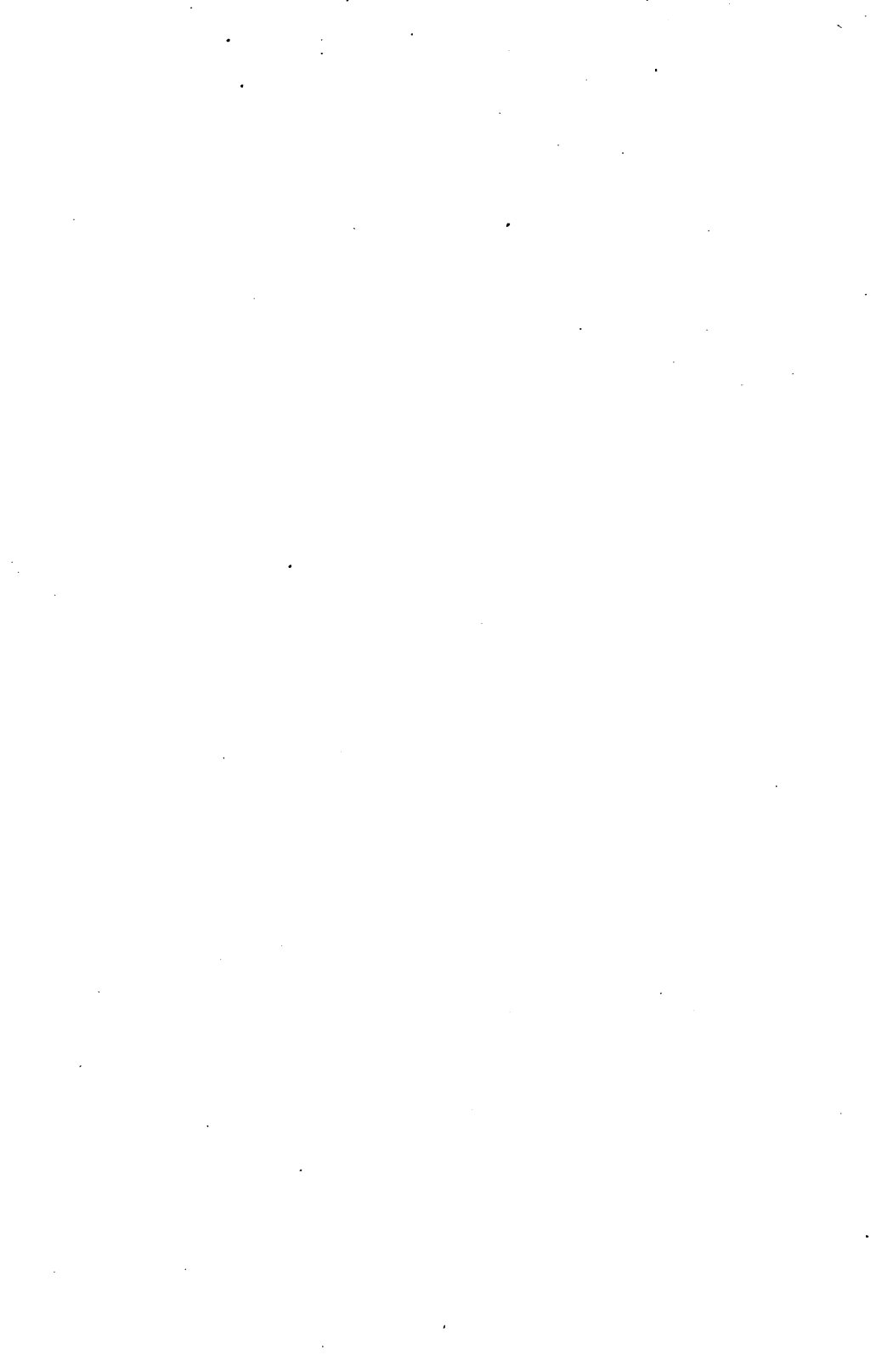
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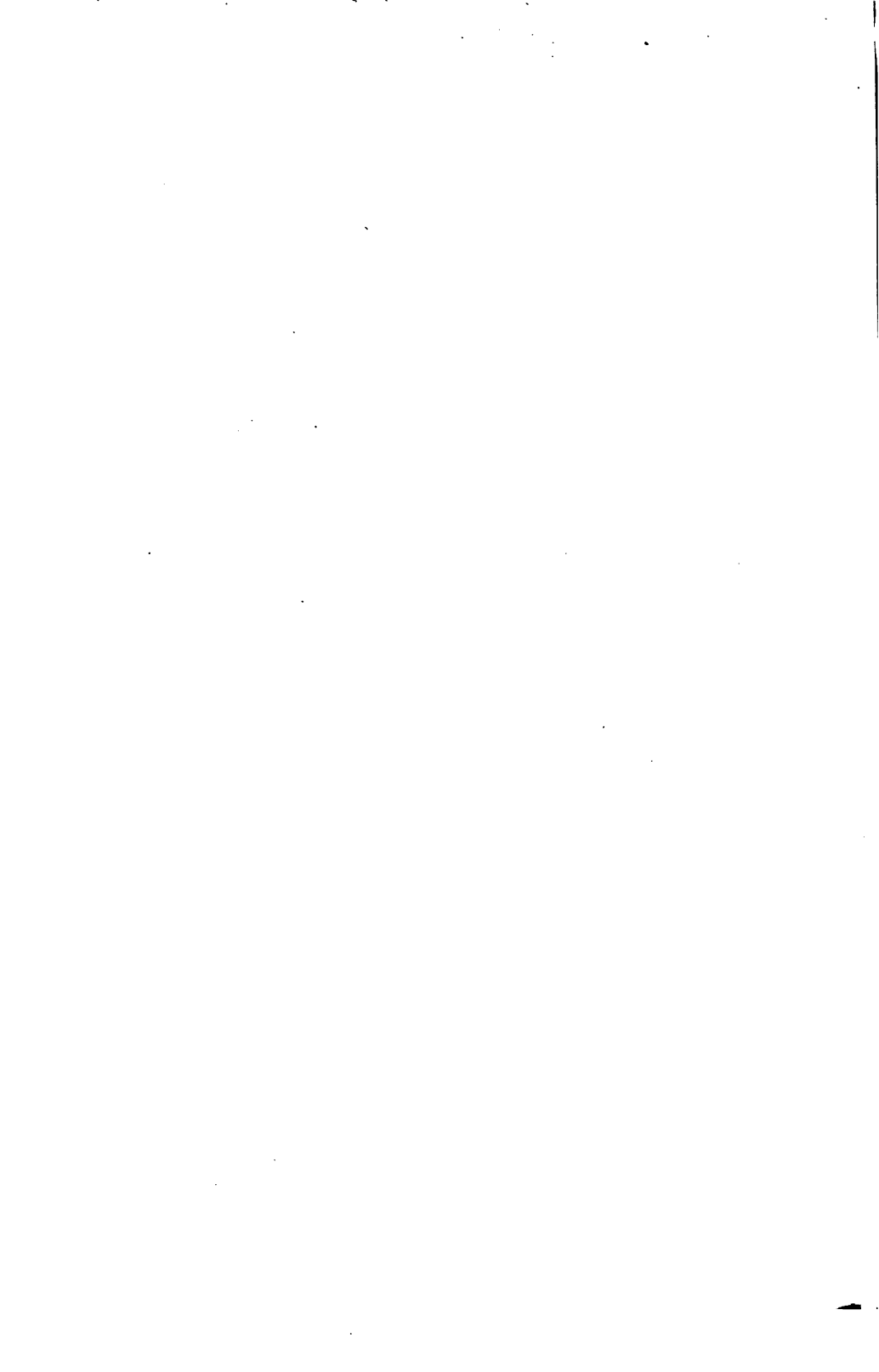
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